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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA;

BEGUN AND HELD IN THE CITY OF TUSCALOOSA,

ON THE FIRST MONDAY IN DECEMBER, 1843.

Tuscaloosa:

JOHN M'CORMICK, STATE PRINTER,

1844.



JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

TUSCALOOSA, MONDAY, DECEMBER 4th, 1843.

On Monday, the fourth day of December, eighteen hundred and forty-three, being the day fixed by law for the meeting of the General Assembly of the State of Alabama, the following members of the House of Representatives appeared in the Representative Hall, of the State Capitol, in the City of Tuscaloosa, were qualified and took their seats, to wit:

FROM THE COUNTY OF AUTAUGA—John Steele, C. M. Jackson.
BENTON—Wm. B. Martin, Matthew Allen, Henry T. Reid.
BIBB—Pleasant Hill, D. E. Davis
BLOUNT—Ira E. McMillon, Enoch Aldridge.
CHAMBERS—Wm. Holstein, Charles McLeimore.
CHEROKEE—J. M. Hendrix, Wm. H. Garrett.
COOSA—Howell Rose.
DALLAS—G. R. Evans.
DE KALB—Wm. O. Winston, M. Lankford.
FAYETTE—James M. Morris, Allen Harris.
FRANKLIN—Felix G. Norman, Henry C. Jones, Lemuel Cook.
GREENE—S. F. Hale, J. M. Witherspoon, J. D. Webb.
JACKSON—F. A. Hancock, Benjamin Franks, Joseph P. Frazier Jas. Williams.
JEFFERSON—Wm. S. Mudd, L. G. McMillon,
LAWRENCE—L. P. Walker, Archibald Campbell, David Hubbard.
LAUDERDALE—James R. Alexander, B. B. Barker, Jonathan Douglass.

LIMESTONE—Waddy Tate, Nathaniel Davis.

LOWNDES—Walter Drane.

MADISON—Jeremiah Clemens, Wm. J. Sykes, G. L. Sandidge, David Moore.

MARION—John L. McCartney.

MARSHALL—Wm. M. Griffin, Jas. Fletcher.

MORGAN—M. W. Troup, David C. Humphreys.

PERRY—John Barron, Wm. S. Miree, A. B. Moore.

PICKENS—R. T. Johnston, J. D. Johnson, J. Spruill.

RANDOLPH—Wyatt Hefflin.

SHELBY—John S. Storrs.

ST. CLAIR—John W. Cobb.

TALLADEGA—John Hill, Thomas D. Clarke.

TALLAPOOSA—Goode Bryan.

TUSCALOOSA—Jabez Mitchell, Wm. P. Meriwether, Marion Banks, B. W. Huntington.

WALKER—John E. Clancey.

WILCOX—John W. Bridges.

On motion of Mr. Bridges, Mr. Moore of Madison was called to the Chair.

On motion of Mr. Huntington, Joseph Phelan was appointed clerk, pro tem.

The House then proceeded to the election of a Speaker—*Andrew B. Moore* of Perry, alone being in nomination.

Those who voted for *Mr. Moore*, are Messrs. Aldridge, Alexander, Allen, Banks, Barker, Barron, Bridges, Bryan, Campbell, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B., Davis of L., Douglass, Drane, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Hefflin, Hendrix, Hill of Bibb, Hill of L., Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A., Jones of F., J. D. Johnson, R. T. Johnston, Lunkford, Martin, McCartney, McLemore, McMillon, of B., McMillon of J., Meriwether, Miree, Mitchell, Moore of M., Morris, Mudd, Norman, Read, Rose, Sandidge, Spruill, Steele, Storrs, Sykes, Tate, Troup, Walker, Webb, Williams of J., Winston, Witherspoon—67.

Mr. Moore having received the whole number of votes given, was declared duly elected Speaker of the House of Representatives for the present session; he was qualified and entered upon the duties of his office.

The House then proceeded to the election of Principal Clerk—*Joseph Phelan* alone being in nomination, and he having received sixty-six votes, that being the whole number of votes given, he was declared duly elected Clerk of the House of Representatives for the present session; he was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an Assistant Clerk—*Alexander B. Clitheraul, Robert S. Inge, and John Nichols*, being in nomination.

Those who voted for *Mr. Clitherall*, are Messrs. Speaker, Aldridge, Alexander, Bridges, Bryan, Clancey, Davis of L., Douglass, Fletcher, Garrett, Harris, Hendrix, Holstein, Hubbard, Huntington, Jackson of A., Jones of F., Martin, McMillion of B. McMillion of J., Miree, Moore of M., Morris, Rose, Sandidge, Steele, Tate, Troup, and Winston.

Those who voted for *Mr Inge*, are Messrs. Banks, Barker, Barron, Campbell, Cook, Drane, Griffin, Hale, Howard, Humphreys, J. D. Johnson of P., R. T. Johnston of P., McLemore, Meriwether, Mitchell, Mudd, Spruill, Sykes, Walker, Webb, and Witherspoon.

Those who voted for *Mr Nichols*, are Messrs. Allen, Clarke, Clemens, Davis of B., Evans, Franks, Frazier, Hancock, Hefflin, Hill of B., Hill of T., Norman, Reid, Storrs, and Williams of J.

Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to vote a second time:

Those who voted for *Mr. Clitherall*, are Messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Bryan, Clancey, Cobb, Davis of L., Douglass, Fletcher, Garrett, Harris, Hefflin, Hendrix, Holstein, Hubbard, Huntington, Jackson of A., Jones of F., Lankford, Martin, McMillion of B., McMillion of J., Meriwether, Miree, Moore of M., Morris, Rose, Sandidge, Steele, Sykes, Tate, Troup, and Winston.

Those who voted for *Mr. Inge*, are Messrs. Clarke, Banks, Barker, Barron, Campbell, Drane, Griffin, Hale, Howard, Humphreys, J. D. Johnson, R. T. Johnston, McLemore, Mitchell, Mudd, Spruill, Walker, Webb, and Witherspoon.

Those who voted for *Mr. Nichols*, are Messrs. Clarke, Clemens, Cook, Davis of B., Evans, Franks, Frazier, Hancock, Hill of B., Hill of T., McCartney, Norman, Reid, Storrs, and Williams of J.

Mr. Clitherall having received a majority of the whole number of votes given, Mr. Speaker declared him duly elected Assistant Clerk of the House of Representatives for the present session; he was qualified and entered upon the duties of his office.

The House then proceeded to the election of an Engrossing Clerk—*Wilson C. Bibb* alone being in nomination, and he having received sixty-six votes, that being the whole number of votes given, Mr. Speaker declared him duly elected Engrossing Clerk for the present session; he was qualified and entered upon the duties of his office.

The House then proceeded to the election of a Doorkeeper—*James H. Owen, Wm. H. Wallis, Andrew Lee, Marshall M. Gill*, and *Henry McCarron*, being in nomination.

Those who voted for *Mr. Owen*, are Messrs. Speaker, Alexander, Banks, Barker, Barron, Bridges, Bryan, Davis of B., Douglass, Drane, Garrett, Hale, Harris, Hendrix, Hill of B., Holstein, Howard, Huntington, J. D. Johnson, R. T. Johnston, McCartney, McLemore, Meriwether, Miree, Mitchell, Morris, Rose, Steele, Storrs, Tate, Troup, Webb, Winston, and Witherspoon.

Those who voted for *Mr. Gill*, are Messrs. Clemens, Evans, Jackson of A., McMillion of J., and Mudd.

Those who voted for *Mr. Lee*, are Messrs. Aldridge, Cobb, Davis of

L., Fletcher, Franks, Frazier, Griffin, Hancock, Humphreys, McMillion, of B., Moore of M., Sandidge, Spruill, Sykes, and Williams of J.

Those who voted for *Mr. Wallis*, are Messrs. Campbell, Clancey, Cook, Hubbard, Jones of F., Norman, and Walker.

Those who voted for *Mr. McCarron*, are Messrs. Allen, Clarke, Hefflin, Hill of T., Martin, and Reid.

Mr. Owen having received a majority of the whole number of votes given, Mr. Speaker declared him duly elected Doorkeeper of the House of Representatives during the present session; he was qualified and entered upon the duties of his office.

Mr. Huntington offered the following resolution, to wit:

Resolved, That after the adjournment of this House on to-day, the Democratic Convention of the State of Alabama, have leave to occupy the Hall of this House for the purposes of their convening, and that the said Convention be at liberty to hold their meetings in this Hall, on each day after the House shall have adjourned for the day, until the business of said Convention shall be disposed of.

Which was adopted.

On motion of Mr. Hubbard, the House proceeded to the election of Messenger—Messrs. *Marcus L. McMillion, James Gardner, Philomina T. Herbert, Oliver Quinn, James H. Freeman, Thomas Emond, Jeremiah S. Calvert, Wiley Rucker, Charles J. Lane, Joseph Mitchell, Thomas J. Allen, Joseph Coleman, George B. Quinn, Samuel T. Porter, and Stephen Sparks*, being in nomination.

Those who voted for *Mr. Allen*, are Messrs. Alexander, Cook, Douglass, Jones of F., and Norman.

Those who voted for *Mr. Calvert*, are Messrs. Barker, Campbell, Davis of L., Hubbard, Sandidge and Walker.

Those who voted for *Mr. Coleman*, are Messrs. Holstein, Franks, Frazier, and Williams of J.

Those who voted for *Mr. Freeman*, are Messrs. Harris and Morris.

Those who voted for *Mr. Gardner*, are Messrs. Hendrix, Lankford, Martin, and Winston.

Those who voted for *Mr. Herbert*, are Messrs. Bridges, Bryan, Drane, Hale, Huntington, Tate, Webb, and Witherspoon.

Those who voted for *Mr. McMillion*, are Messrs. Aldridge, Clancey, Cobb, Griffin, Hefflin, Jackson of A., McMillion of B., McMillion of J., Moore of M., Mudd, and Rose.

Those who voted for *Mr. Emond*, are Messrs. Banks and Mitchell.

Those who voted for *Mr. Lane*, are Messrs. Humphreys, McLemore, Tate, and Troup.

Those who voted for *Mr. Mitchell*, are Messrs. Speaker, Barron, Evans, Howard, Miree, and Steele.

Those who voted for *Mr. Oliver Quinn*, are Messrs. Allen, Hill of B., Hill of T., Holstein, and Reid.

Those who voted for *George B. Quinn*, are Messrs. Clemens, and Meriwether.

Those who voted for *Mr. Porter*, are Messrs. J. D. Johnson, R. T. Johnston, and Spruill.

Those who voted for *Mr. Rucker*, are Messrs. Davis of Bibb.

Those who voted for *Mr. Sparks*, are Messrs. Clarke, and Garrett.

Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to vote a second time—the names of *Messrs. Porter, Emond, George B. Quinn*, and *Lane*, having been withdrawn.

Those who voted for *Mr. Allen*, are Messrs. Alexander, Cook, Douglass, Jones of F., Norman, and Sykes.

Those who voted for *Mr. Calvert*, are Messrs. Barker, Campbell, Clemens, Hubbard, Sandidge, and Walker.

Those who voted for *Mr. Coleman*, are Messrs. Franks, Frazier, Hancock, and Williams of J.

Those who voted for *Mr. Freeman*, are Messrs. Morris.

Those who voted for *Mr. Gardner*, are Messrs. Garrett, Hendrix, Lankford, and Winston.

Those who voted for *Mr. Herbert*, are Messrs. Banks, Bryan, Drane, Hale, Huntington, Meriwether, Mitchell, Tate, Webb, and Wither-
spoon.

Those who voted for *Mr. McMillion*, are Messrs. Aldridge, Bridges, Clemens, Clarke, Cobb, Fletcher, Griffin, Harris, Hefflin, Jackson, R. T. Johnston, Martin, McMillion of B., McMillion of J., Moore of M., Mudd, Rose, and Spruill.

Those who voted for *Mr. Mitchell*, are Messrs. Speaker, Barron, Evans, Howard, Miree, and Steele.

Those who voted for *Mr. Quinn*, are Messrs. Allen, Hill of B., Hill of T., Holstein, McCartney, and Reid.

Those who voted for *Mr. Rucker*, are Messrs. Davis of Bibb, J. D. Johnson, and Storrs.

Those who voted for *Mr. Sparks*, are Messrs. ———

Neither of the candidates having received a majority of the whole number of votes given,

On motion of Mr. Bridges, the House adjourned until to-morrow morning, ten o'clock.

DECEMBER 5TH, 1843.

The House met pursuant to adjournment.

The election of a Messenger still pending.

Messrs. R. T. Moore of Baldwin, M. D. K. Taylor of Butler, D. C. Anderson of Marengo, John W. Portis of Clarke, J. Morrisett of Monroe, G. W. Williams, and R. McGriff of Henry, J. H. Calloway of Dale and Coffee, John Segar of Russell, and Whiting Oliver of Macon, appeared within the Hall of the House, were qualified, and took their seats.

Mr. Sykes moved to reconsider the vote taken yesterday on the motion to go into the election of Messenger; which was carried—Yeas 61, Nays 16.

YEAS—Messrs. Aldridge, Alexander, Allen, Barron, Bridges, Bryan, Calloway, Clarke, Cobb, Davis of L., Douglass, Drane, Fletcher, Franks,

Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Howard, Hubbard, Huntington, Jackson of A., J. D. Johnson, R. T. Johnston, Martin, McGriff, McMillion of J., Meriwether, Miree, Moore of M., Morris, Mudd, Morrisett, Oliver, Portis, Reid, Rose, Sandidge, Segar, Spruill, Steele, Sykes, Tate, Williams of J., and Winston.

NAYS—Messrs. Speaker, Anderson, Banks, Barker, Campbell, Clancey, Clemens, Cook, Davis of Bibb, Evans, Hale, Hill of B., Hill of T., Holstein, Jones of F., Lankford, McCartney, McLemore, Mitchell, Moore of B., Storrs, Taylor, Troup, Walker, Webb, Williams of H., and Witherspoon.

Mr. Morrisett offered the following resolution:

Resolved, That the Office of Messenger of the House of Representatives, be, and the same is hereby abolished.

Which was adopted—Yeas 61, Nays 16.

YEAS—Messrs. Speaker, Aldridge, Alexander, Allen, Barron, Bridges, Bryan, Calloway, Clancey, Clarke, Cobb, Davis of L., Douglass, Drane, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Howard, Hubbard, Humphreys, Huntington, Jackson of A., J. D. Johnson, R. T. Johnston, Lankford, Martin, McCartney, McGriff, McLemore, McMillion of B., McMillion of J., Meriwether, Miree, Moore of B., Moore of M., Morris, Morrisett, Mudd, Oliver, Portis, Reid, Rose, Sandidge, Segar, Spruill, Steele, Storrs, Sykes, Tate, Taylor, Troup, Williams of H., Williams of J., and Winston.

NAYS—Messrs. Anderson, Banks, Barker, Campbell, Cook, Evans, Hale, Hill of B., Hill of T., Holstein, Jones of F., Mitchell, Norman, Walker, Webb, and Witherspoon.

Mr. Frazier offered the following resolution:

Resolved, That a committee of five be appointed to draft rules for the government of this House, and that the rules adopted at the commencement of the last General Assembly, be of force until said committee report, and their report adopted.

Which was adopted.

Whereupon, Messrs. Frazier, Martin of B., Moore of M., Bridges, and Dunn, were appointed said committee.

Mr. Bridges offered the following resolution:

Resolved, That the Clerk of this House inform the Senate, that the House of Representatives is now organized, and have elected the Honorable A. B. Moore, Speaker, Joseph Phelan, Principal Clerk, Alexander B. Clitherall, Assistant Clerk, Wilson C. Bibb, Engrossing Clerk, and James H. Owen, Doorkeeper, and is now ready to proceed to business.

Which was adopted.

On motion of Mr. Martin,

Resolved, That Editors of newspapers in this State be allowed seats within the bar of this House, for the purpose of reporting its proceedings.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—I am instructed to apprise your honorable body of the organization of the Senate, and of its readiness to co-operate with the House of Representatives in the discharge of public business. The

Honorable Nathaniel Terry, of Limestone, has been-unanimously chosen to preside over the Senate, Wm. J. Couch, Secretary, George B. Clitherall, Assistant Secretary, and A. R. Thomas, Doorkeeper.

On motion of Mr. Douglass,

Resolved, That a Committee of three on the part of the House be appointed to act with such committee as may be appointed on the part of the Senate, to wait on the Governor, and inform him that the two Houses are now organized and ready to receive from him any communications he may have to make to the two Houses. Whereupon, Messrs. Douglass, Bridges, and Frazier were appointed on the part of the House.

Mr. Moore of Madison presented the petition of the citizens of township one, Range two, east of the basis meridian of Huntsville; which was read and laid on the table.

Mr. Clemens presented the petition of James Irvine and others; which was referred to the committee on accounts.

Mr. Clemens also presented the petition of John C. Thompson and others; which was referred to the committee on propositions and grievances.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker:—The Senate has appointed Messrs. McClanahan, Fleming and Hudson to co-operate with the committee on the part of the House of Representatives, to inform his Excellency the Governor, of the organization of the two Houses, and their readiness to proceed to business.

Mr. Moore of M. introduced a bill to incorporate the town of Huntsville; which was read the first time and ordered to a second reading.

Mr. Humphreys presented the petition of sundry citizens of Morgan county, in relation to a certain precinct in said county; which was referred to the committee on privileges and elections.

Mr. Humphreys also presented the account of John S. Rhea, jailer of Morgan county; which was referred to the committee on accounts.

A message from the Senate by Mr. Clitherall:

Mr. Speaker:—The Senate has adopted the following resolution:

Resolved, That with the consent of the House of Representatives, the two Houses will assemble in the Hall of the House on Saturday, the ninth inst. for the purpose of electing a Judge of the county court of Franklin county.

Mr. Norman moved to amend the resolution by inserting the words "at twelve o'clock M." after the word "Saturday;" which was carried, and the resolution as amended concurred in.

Ordered, that the clerk inform the Senate of the amendment and ask its concurrence.

Mr. Barron introduced a bill to change the time of holding the county court for Perry county; which was read the first time and ordered to a second reading.

Mr. Huntington introduced a bill to legalize a certain term of the county court of Tuscaloosa county. therein named; which was read the first, second and third times forthwith, and passed.

Ordered, that the same be sent to the Senate for its concurrence

Mr. Douglass made the following report:

Mr. Speaker:—The joint committee appointed on the part of the two Houses to wait on his Excellency the Governor and inform him that the two Houses had organized, and were ready to receive any communications from the Executive Department, have performed that duty, and have received for answer that he will make his communication to the two Houses this day at twelve o'clock, M.

On motion of Mr. Storrs,

Resolved, That the following standing committees be appointed by the chair, to-wit:

A Committee on privileges and elections, on enrolled bills, on roads, bridges and ferries; on ways and means; on the military; on county boundaries; on education; on accounts; on divorce and alimony; on the State Bank and Branches; on public printing; on the Judiciary; on propositions and grievances; on agriculture, on the Penitentiary; on retrenchment.

Mr. Clemens introduced a bill to return the sixteenth section fund deposited in the State Bank and Branches; which was read the first time and ordered to a second reading.

Mr. Clemens also offered joint resolutions of the Senate and House of Representatives of the State of Alabama, upon the subject of postage; which were read and adopted.

Ordered, that the same be sent to the Senate for its concurrence.

Mr. Clemens introduced a bill for the benefit of overseers; which was read the first time and ordered to a second reading.

On motion of Mr. Bridges,

Resolved, That with the concurrence of the Senate the two Houses will assemble in the Representative Hall on Wednesday, the sixth inst. at twelve o'clock, A. M. for the purpose of counting the votes for, and declaring the election of Governor of this State.

Mr. Speaker laid before the House the Comptroller's annual report on the contingent fund; which was laid on the table, and one hundred and ten copies ordered to be printed.

On motion of Mr. Huntington,

Resolved, That the committee on public printing be instructed to inquire into the expediency of so altering the law in relation to the State printing as to let the same out to the lowest bidder, with leave to report by bill or otherwise.

Mr. Aldridge introduced a bill to reduce the per diem of the members of the General Assembly; which was read the first time and ordered to a second reading.—Yeas 50. Nays 24.

YEAS—Messrs. Aldridge, Allen, Banks, Bridges, Bryan, Clarke, Cobb, Cook, Drane, Evans, Fletcher, Franks, Griffin, Hancock, Harris, Hill, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Huntington, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Laakford, Martin, McCartey, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris, Morrisett, Mudd, Portis, Reid, Rose, Segar, Spruill, Steele, Storrs, Troup, Walker, Williams of J. and Witherspoon.

NAYS.—Messrs. Speaker, Alexander, Anderson, Barker, Barron, Calloway, Campbell, Clemens, Davis of B. Davis of L. Douglass, Garrett, Hale, Humphreys, McLemore, Moore of B. Norman, Oliver, Sandidge, Sykes, Tate, Taylor, Webb and Williams of H.

A message from the Governor, by Mr. Garrett, Secretary of State

Mr Speaker:—I am requested by the Governor to communicate to this honorable body his annual message, as follows:

**EXECUTIVE DEPARTMENT, }
TUSCALOOSA, DECEMBER 5TH, 1843. }**

Gentlemen of the Senate

and of the House of Representatives:

You have assembled in pursuance of the requirements of law, and in accordance with the forms of the Constitution, to deliberate upon such measures as you may think best calculated to promote the interest of the State; and to enact such laws as you conceive will conduce most to the happiness and prosperity of her people.

Being charged with these high duties, and thus constituted the agents of a free people by their own voluntary act, nothing can be more gratifying to us, than the reflection, that the confiding expectations of those we represent, have been fully requited; and although many of the causes which tended to create great anxiety in the minds of the people throughout the State, before the meeting of the last General Assembly, have passed away by the action of that body, it is still apparent, that at least a portion of the subjects, upon which you now necessarily have to act; will excite an intense solicitude in the minds of the community.

Though many traces are yet perceptible in some portions of the State, of the embarrassment of former years, induced by the reckless spirit of speculation, and the undue expansion of an unsound paper circulation, we have still abundant cause to congratulate the country upon the extinction of a large portion of the debt contracted during those periods, and upon that laudable industry and economy, which, for some time past, have pervaded the almost entire population of the State. Generally, our people have enjoyed the inestimable blessings of health, and the soil, under the smiles of a kind Providence, has yielded a just reward to labor and industry.

In the enjoyment of so many blessings, we should not permit the present occasion to pass, without returning our thanks to the great Ruler of the Universe, for these and other favors, which we have received at His hands.

That part of the act of the last session of the General Assembly, requiring the Governor to receive proposals for the printing and binding of the Digest prepared by the Honorable C. C. Clay, has been complied with. M. D. J. Slade proposed doing the work, and to deliver in this place, the three thousand copies required in the act, by the first of this month, at seven dollars and fourteen cents per page, for the number of pages contained in one volume.

Being the lowest bidder, and tendering good security for the faithful execution of the work, he was awarded the contract, in pursuance of the provisions of the act. J. Withers Clay, Esq., was appointed to superintend the printing of the Digest, in place of the Hon. C. C. Clay, who declined that duty. The books have just reached here, but as yet, I have not had time sufficient, to examine them.

In conformity with the provisions of the act for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile, approved 13th February, 1843, I directed the Solicitor of the Circuit in which the Bank was situated, to file an information in the nature of a *quo warranto* against the Bank, before the Judge of the circuit court of said circuit, or the Judge of the county court of Mobile county. The Solicitor performed that duty with promptness, and on the 27th of March last, at a special term held by the Judge of the circuit court, the charter of the Bank was, by the decision of said court, declared to be forfeited. In that decision the Stockholders seem, without appeal, to have acquiesced, since which the institution has been in process of liquidation as prescribed by law.

As directed by the act putting the several Branch Banks in liquidation, I appointed, at the close of the last session, the two Commissioners for each Bank, to examine and value the real estate. Partial returns by the Commissioners of the valuation of the real estate owned by the Mobile and Decatur Branches were made in time to enable me, by and with the advice of the boards of these Banks, to offer for sale a large portion of the real estate owned by these two Branches.

The sale of the real estate owned by the Branch Bank at Mobile, which was advertised to take place in November last, has been postponed until the eighteenth of this month. It was the opinion of the President and Directors of that Branch, that the latter was a more auspicious period than the former, to offer the property for sale, which was the reason for the postponement.

The valuation of all the real estate owned by the Branch Bank at Mobile, has not been fully completed in consequence of the serious indisposition of the Commissioners during the past summer and fall. Both the Commissioners have recently resigned. The vacancies will be filled as soon suitable individuals can be selected, and the valuation completed, it is hoped, at the earliest day practicable.

The indisposition of one of the Commissioners appointed to value the real estate owned by the Decatur Branch, has, I understand, retarded the completion of the valuation of the real estate held by that Branch. Whether or not, the valuation is yet fully completed, I am not at this time, advised.

Full returns have been received of the valuation made by the Commissioners of the real estate, belonging to the Huntsville and Montgomery Branch Banks. The board at Huntsville have informed me that they do not consider the present a favorable time to offer the property for sale, and the return of the valuation from the Branch at Montgomery has been so recently received, that I have not had the time to con-

fer with the board on the subject of offering for sale the property owned by that institution.

In compliance with the Joint Resolutions of the Senate and House of Representatives, in regard to the Expense Accounts of the Bank of the State of Alabama and its several Branches, approved fourteenth February, one thousand eight hundred and forty-three, authorizing the Governor at any time after the twentieth of that month, to appoint the Commissioners provided for under the act, approved twelfth January, one thousand eight hundred and thirty-three, for the examination of the Bank of the State of Alabama and its several Branches; as soon as it was practicable to do so, the Commissioners were appointed, and instructed to make a special examination into the expense account alone, and to report the result of their examination to this Department, at the earliest day convenient. That duty the Commissioners have performed, and in accordance with the requirements of the resolutions, I have examined the several reports, and after much reflection, on the various items embraced, directed the institution of suits for the recovery of the money in the State Bank, and the Branches at Huntsville and Decatur, which I considered expended without legal authority, or without equitable circumstances to excuse it.

The items of expenditure reported as illegal, from the Branch at Montgomery, were nearly all excused, or justified by the Commissioners, and the amounts not excused or justified, were so inconsiderable, that I deemed suit unnecessary; and have therefore, declined ordering suit on any items embraced in that report.

A very large portion, if not the largest amount of illegal expenditures reported from the Mobile Branch Bank, are not of that character, which would authorize me, as I conceive, under the resolutions to order suit for their recovery.

Believing that none of the expenditures, reported as illegal, for which the resolutions confer on me the power to direct suit, will be affected by the statute of limitations, before the ensuing Spring Courts, I have for the present, declined ordering suit, on any items embraced in that report.

The reports, embracing as they do, all the extra expenses of the five Banks, for a period of more than six years, and the resolutions constituting as they do, the Executive, the sole judge of both the law, and all circumstances of an equitable character, which would justify, in his estimation, all or any of those extra allowances, have thrown upon this Department duties, both responsible and delicate. Some of the reports present instances of alledged improper expenditure of money in some of the Bank; but not of that character, as before remarked, that would authorize me to order suit for its recovery under those resolutions. And as I have ordered suit for the recovery of some few items, and declined directing suit for items of a similar character in other cases, from a doubt of my power under the report of the Commissioners to do so, I deem it my duty to lay all the reports, and copies of the several orders which I have made for suit, before your honorable bodies, for such action as you may deem best, or such instructions as you may feel in-

clined to give, for suit in any of the cases in which I have declined ordering suit to be instituted.

The latter clause of the last resolution declares all allowances and appropriations, made during the last session of the Legislature, by the Branch Bank at Mobile illegal, and makes it the duty of the Governor to order suit to be instituted for the recovery of the money. A copy of the allowances and appropriations during the period specified, was obtained from the Bank, and suits ordered to be instituted against those who constituted the board, when those allowances and appropriations were made.

The ninth section of the act "to regulate the State Bank, and for other purposes," makes it the duty of the President of that Bank, under the direction and control of the Governor, to take the necessary measures for the extension of the State bonds payable in eighteen hundred and forty-four. In obedience to the provisions of the above section, in the early part of the present year, I gave that officer the necessary instructions to extend the payment of the bonds specified, until the first day of June, one thousand eight hundred and fifty, reserving to the State the right further to extend their payment, if it should be the pleasure of the State hereafter to do so.

The extension, as I am informed by the President, is not yet fully completed, but he assures me that he entertains no doubt of its being effected in a short time.

As directed by the acts liquidating the several Branches, the President and Directors of the Bank of the State of Alabama, in the presence of the Governor, and Secretary of State, at different periods, during the present year, have destroyed (by burning) bills of the different Branches, amounting to five million thirty-six thousand six hundred and ninety-seven dollars, and blank impressions amounting to seven million thirteen thousand four hundred and twenty-eight dollars.

The board of the State Bank, as I am informed, have, in like manner destroyed, six hundred and nine thousand four hundred and sixteen dollars, in the bills of that institution.

The amount paid the Directors of the State Bank, I do not consider a fair compensation for their services. In addition to the business of that Bank, which is equal to that of either of the Branches, if we except the Mobile Branch, the board of the State Bank, have to superintend the responsible duty of paying the interest on the entire State debt, and to receive, register and destroy the redeemed circulation of the four Branches. In discharging the various duties required of the board, much labor, as well as responsibility, is thrown upon the President, and especially in paying the interest due on our foreign debt. The salary which is now paid that officer is, as I conceive, not fully commensurate with his services. I am also satisfied that the number of Directors in the State Bank could with great propriety be reduced, and I recommend that the number be reduced to four, and that the amount to be paid the Directors, as well as the President, be increased to such sum, to each, as the wisdom of your honorable bodies may think just.

The act passed at the close of the last session of the Legislature, authorizing the President and Directors to place the bad and doubtful debts due the Banks in the several counties, in the hands of Attorneys to be appointed by the board for that purpose, has certainly diminished to a considerable extent their labors; at least enough so, as I conceive, to fully justify the General Assembly, as well on the score of economy, as the utter absence of any necessity for the present number, in reducing it. Constituting the Cashier, *ex-officio*, a Director, with the President, and one Director, will, I think, make a board entirely sufficient to manage the business of each Branch. In all the Branches, except the one in Mobile, there is quite an inequality in the salaries of the Presidents and Directors, while the Presidents in the other three Branches, have to perform all the duties required of the Directors, and discharge in addition, others incident to those officers, from which the Directors are exempt, the President actually receives less compensation than the Directors. Consequently, I recommend that the amount of compensation allowed to the Presidents and Directors, be at least the same, and that two of the Directors in each Branch be dispensed with, and the board constituted as I have suggested.

The last Legislature having failed to provide any additional compensation to the agent appointed to urge upon Congress the payment of the moneys heretofore made by the State, upon claims growing out of the late Creek Indian hostilities, he declined returning to the City of Washington to superintend the settlement of those claims. The act of Congress, approved sixteenth August, one thousand eight hundred and forty-two, provides that duly authenticated copies of papers, which may have been lost or destroyed, upon proof of such loss or destruction, shall be received as evidence of the amount heretofore paid by the State. Many of those papers, I fear, have been lost or destroyed, and to substitute others, as required in the act, will be attended with both trouble and expense. There is a large amount justly due from the Federal Government to the State, but to obtain all or any portion of it, will require both the time and labor of a special agent. All that our delegation in Congress could do towards effecting payment from the United States Government, unquestionably has been done. By allowing to a competent agent a reasonable per cent. on the amount to be collected, it is probable the just claims of the State might be speedily adjusted. I have brought this subject to your notice for such action as your honorable bodies may think best.

I deem it proper again to bring to the notice of the General Assembly the mode of paying sheriffs and jailers for the support of prisoners in the several counties. The whole amount paid to those and other officers on claims of this character, under the various appropriations of the last session, amounted to the sum of near ten thousand dollars, by which you will perceive that that item is not inconsiderable in itself in forming the aggregate of the annual expenses of the State. I consider the most equitable mode that could be adopted in paying these demands, would be to require the county in which the offence was committed, to

provide a special fund, out of which such claims should be paid under the control of the Judge of the county court and Commissioners, with power to judge of their correctness, and to order their payment. If, however, it be the settled policy of the State to pay these claims as heretofore, their justness should be established before the presiding Judge of the circuit court, or in some other form to be prescribed, and certified to the Comptroller, who should be required to pay them out of a fund to be appropriated for that purpose. The legislation now annually necessary, would thereby be dispensed with, besides diminishing to some extent your labors, as well as avoiding the expense incident to it.

I must again direct your attention to the law regulating the salary of the Adjutant and Inspector General. It is vague and indefinite as to the amount of compensation that he shall receive. I recommend that the General Assembly define more particularly the duties for which he shall receive a *per diem* allowance, independent of the ordinary duties of the office, for which he should receive a fixed salary, and that the amount of salary to be paid him be more clearly defined.

The sum of eleven hundred and ninety-two dollars has been expended of the fifteen hundred dollars appropriated at the last session of the General Assembly, for re-covering the Capitol. The whole roof has been re-covered anew, except the Cupalo, and that was inspected by competent workmen, who concurred in the opinion that it was sound, and required only some slight repairs, which have been made.

The law prescribing the manner of making returns of elections for members of Congress, is vague and contradictory, and should be amended. The law also requiring sheriffs generally to make returns of elections, is frequently disregarded, and especially in some of the most important and responsible officers elected by the people. This delinquency, I am satisfied, is the result of omission or neglect—not design—though equally embarrassing in its effects. Cases may occur, unless there is a more rigid adherence to the law than has frequently heretofore been observed by returning officers, where the popular will may for awhile, at least, be entirely defeated for the want of proper returns.

The law, as it now exists, would seem to be sufficient to insure a prompt discharge of duty on the part of those officers; but our experience proves to the contrary. The most effectual mode which presents itself to my mind, to insure a faithful discharge of duty on the part of returning officers, is to require the Solicitors of the circuit, and the Grand Juries of the several counties to enquire especially, if the proper returns of the elections have been made, and in case they have not, without reasonable cause to excuse it, the Grand Jury should present, and the Solicitor should be required to prosecute for such failure of duty; and although in some cases, the returns may have not been made within the time prescribed by law, they, in all probability, would be, before the time for holding courts in the different counties. I have thus brought the subject to your notice, for such action as the General Assembly may deem proper.

The sum of one hundred and nineteen thousand two hundred and seven and sixty-one hundredth dollars, being the first instalment of the two per cent. fund, has been by the Cashier of the State Bank invested in United States Treasury notes, bearing an interest of six per cent. per annum, as required by the Joint Resolutions of the last General Assembly. The Treasury Notes in which this investment has been made will cease to bear interest after the present month. It will become necessary therefore for the Legislature to make some further provisions for re investing this amount, or otherwise the principal will remain entirely inactive, and yield nothing by way of interest as it should.

Congress having passed the act contemplated in the preamble and joint resolutions of the last General Assembly, authorizing the different Land Offices to receive the bills of the State Bank and Branches in payment for the public lands, from all those of our citizens who reside on those lands, desirous of availing themselves of their preemption rights, the second instalment will of course be paid in the bills of the State Bank and Branches, agreeably to the provisions of the second section of the resolutions alluded to. At this time I do not know the precise amount which will be paid on this instalment—something more, I presume, however, than the amount received on the first. The Cashier of the State Bank, who is required by law to receive it, has not yet been able to do so. In the summer, this Department was informed by the Treasury Department, that a large portion of the amount due on this instalment had been received at the various Land Offices, in the bills of our State Bank and Branches, which information was made known to the officer authorized to receive the money. Before this, it is presumed, a sufficient sum in our currency has been received by the United States Government to pay the whole amount of the instalment, which will no doubt be paid as required, at an early day. One hundred and twenty thousand dollars of the money thus to be received, is to be loaned to the Montgomery and West Point Rail Road Company, agreeably to the provisions of an act of the General Assembly, approved fourteenth February, one thousand eight hundred and forty-three. The Company, through their President, Charles T. Pollard, Esq. have intimated an unwillingness to accept the loan upon the terms specified in the act, but express a willingness to do so upon certain modifications proposed, which you will find fully set forth in the letter of the President, which is herewith submitted.

A proper disposition of the money realized from the sale of the Sixteenth Sections, now on deposit in the Banks, is a subject intimately connected with the final settlement of their affairs. At no very distant day, legislation on that subject will be absolutely necessary, and could, perhaps, demand the attention of the General Assembly with as much propriety at this session, as at any future period. I am clear in the conviction that the money already obtained, and that which may hereafter arise from the sale of Sixteenth Sections, should be preserved as a sacred fund, and that the interest accruing on the principal should alone be appropriated to the objects of education. The amount now

on deposit in the Banks, derived from sales of the Sixteenth Sections, is a debt, which will ultimately be legitimately chargeable upon the State. To pay the amount due to the Commissioners of the several Townships at this time, in the bills of the Banks, would only tend to swell our circulation sufficiently large for the means to give it currency, but would, I fear, to some extent depress it. The salutary lessons of the past, in the management of trust funds by public agents, afford us abundant cause to distrust the policy of placing this fund in the custody and under the control of the Commissioners, to be loaned out or otherwise disposed of. That a large portion of these trusts would be faithfully discharged, there can be no question, but the light of experience as taught us by one or more of the States, in a similar disposition of a like fund, leave us but little room to doubt that through a want of uniformity in its application, insecurity and ultimate loss would be the inevitable result, with no inconsiderable portion. I therefore recommend that a certificate of State stock be issued to each Township, for the amount due on deposit, at a reasonable interest, for such period as your wisdom may think best, renewable at the pleasure of the State, and that the interest annually accruing on the amount of stock to each Township, be appropriated to the purposes of education.

It will be recollected by your honorable bodies that the last Legislature went much farther in closing and liquidating the Banks than I recommended in my annual message. Although, entertaining then, as I conceived, a well grounded apprehension, that the system was bad, and would have to be abandoned, my convictions were that it should be done by degrees. When I had the honor of making that communication, I was not in possession of the information disclosing their condition so fully as was afterwards developed by the scrutinizing reports of the several boards of Commissioners appointed for their examination, The Joint Examining Bank Committee of the two Houses, added much by their subsequent searching inquiries, to the stock of information afforded by the Commissioners, and contributed greatly in informing the last General Assembly, of the unsound condition and exhausted means of the Banks. Frankness requires me to say, that notwithstanding my loss of confidence in the system had been confirmed by these disclosures, I feared so sudden and radical a change in our State policy would produce a shock and distrust in the public mind, and that injurious consequences to the community would be the ultimate result. Believing that the representatives coming directly from the people, were the proper exponents of their will, I yielded my assent to the acts placing some of the Banks in liquidation, but not without some degree of reluctance. It affords me unaffected pleasure, however, to assure the General Assembly that those apprehensions have been dispelled by the operations of the acts liquidating the Banks, and that the action of the last Legislature on that subject is now, I believe, strongly approved by the great body of the people in the State.

The operations of our system, in common with every form of Bank credits, I regard as deceptive in theory, and delusive in practice; and

that it has justly forfeited its claims to the confidence of the people. This, I think, is strikingly illustrated by the prostrate condition and general wreck that has so recently pervaded so large a portion of the Banking system in every form.

Amidst all our financial difficulties, it is however a source of gratification, that the winding up of our State Banks, have been so generally approved by the people. While its operations have imposed no burthens on the community, it is fast relieving us from the evils of a depreciated currency, not only by the gradual absorption of the amount, but by giving a value to the outstanding circulation, as a means of discharging Bank debts, which must ultimately raise it much nearer to its par value. It is also illustrating the important truth, that to procure a good currency, it is only necessary to displace a bad one, and that as the channels of circulation are relieved by the latter, they are speedily filled with the former. Whenever bank paper, from its worthlessness, has been driven from circulation, gold and silver have immediately supplied its place, and the people have in every instance been more than satisfied with the exchange. This result has already, to a very great extent, been effected in Louisiana and Mississippi, and the same process must soon take place in this State. In every instance where it has occurred it has been attended with a favorable state of foreign and domestic exchanges, leading to heavy importations of gold and silver, until the level of currency and prices has been fully established. I recommend that the Banks be permitted to go into final liquidation under the provisions of the acts of the last session, reserving such corporate powers only as will enable them finally to settle their affairs.

The acts of the last General Assembly, placing the several Branch Banks in liquidation, require the State Bank to receive the bills, blank impressions and plates of the different Branches, and also that the bills and blank impressions shall be destroyed, but do not direct what disposition is to be made of the plates. Believing that the destruction of the latter is as essential as the former, to the final settlement and entire abandonment of the system, I recommend that the plates be likewise destroyed.

The Huntsville Branch has paid bonds due in eighteen hundred and forty-two, eighteen hundred and forty-four, and eighteen hundred and sixty-five, amounting in the aggregate to two hundred and nineteen thousand dollars. They were forwarded to this place by the board at Huntsville, and I directed them to be deposited in the State Bank, to be disposed of as directed by the General Assembly. I recommend that provisions be made, requiring the President and Directors of the State Bank to destroy them.

The people, with their usual patriotism, have cheerfully submitted to the tax imposed by the last General Assembly. It is proper to state, however, that the mode of assessing the tax on land, without classification, has not been approved by a large portion of the community. The present plan should be so modified as to meet their wishes.

To protect and preserve untarnished the faith and credit of the State, should be the cherished object of all, and is a subject which appeals with unrestricted force, to the pride, honor and integrity of every citizen. Public faith is but the aggregation of that sentiment of private honesty, which imposes on us the paramount duty of discharging a just debt. To preserve it inviolate, frequently requires great sacrifices on the part of the community; but they are sacrifices incurred in the preservation of a high moral principle, without which, neither society nor Government can long exist. In parting with a portion of our property in discharging a public debt, we are only going to the expense of preserving a principle, which renders the remainder more secure, and therefore more valuable. In doing this, we may frequently pay the penalty of past folly and extravagance on the part of public agents; but even this carries along with it a compensation in arousing that spirit of vigilance to taxation and expenditure on the part of the people, without which, it is impossible for them long to preserve their liberties. If the last Legislature imposed upon the people burthens in the shape of taxes, they have done much to relieve them from the burthens and taxation of a banking system infinitely more oppressive, as I conceive, than our State debt. It is true that the people have not yet worked out their deliverance from the galling bondage of Bank paper depreciation; but every day, under the policy of the last Legislature, they are approaching near to that result, and to the same extent recovering their ability to sustain the heavy, but necessary burthen of taxation, which the honor and credit of the State will most obviously require.

The interest upon our State debt, for the present year, has been paid with our usual punctuality, and there are ample means in the Banks, to pay the interest which will be due the ensuing year. But how we are to discharge the amount which will be due in the year following, is a question that presents itself directly to all who cherish and value the character of the State. It may be urged, and that too, with the powerful force of truth, that to provide the means to pay the State debt, a portion of the substance of many will have to be yielded who never enjoyed any benefit from the money borrowed. But the force of such objections will be rendered powerless, from the simple fact, that those who loaned the money are not responsible for its application by our own agents. The money was borrowed in good faith, and the consideration of the debt cannot be questioned. If, then, the loss of the whole, or a part, has been the result, it is certainly a misfortune of the State, but that can afford no possible pretext to withhold payment from those who in good faith loaned us their money. To a people like those of Alabama, so jealous of their rights and honor, both personal and political, I look with an abiding confidence, that the faith and credit of the State will be preserved, with an integrity and promptness, that will stand the test of scrutiny and of time. I recommend, therefore, that a sufficient fund be raised by taxation, to provide permanently for the payment of the interest on our State debt.

The vast quantity of special legislation to be found on our statute book, and the immense mass which annually accumulates before the General Assembly, is a subject eminently worthy of your consideration. I allude to the subject now, with a settled conviction, that a very large portion of that kind of legislation could be entirely dispensed with, by adopting some general law, which would enable the parties seeking such aid, to effect their object before some of the judicial tribunals of the country. Conferring on married women the rights of *feme soles*, and constituting them free dealers, has been a very unusual species of legislation until recently, but is now evidently on the increase. These privileges, in many cases, are perhaps proper, and should be conferred upon those who, from peculiar causes, would seem to be justly entitled to them; but they certainly might be extended to those who may desire them, without requiring a special act of the legislature in every instance. Our Courts of Chancery, by some general law authorizing them to do so, could afford all the relief desired, in applications of this character. Incorporating small towns and villages; commercial, manufacturing and mining companies; special tax laws; establishing toll gates and ferries; besides many other subjects purely local and special in their character, are fruitful sources of legislation, which not only increase the labors and lengthen the session, but add greatly to the amount of expense of ordinary legislation. These special acts, and corporate privileges, are likely essential, and may confer benefits upon those who desire them; but I am satisfied all who need such aid or privileges, could be enabled, by some general law, to accomplish their object without legislative interference in every case, and thereby dispense with this vast accumulation of private and special laws.

The right to erect toll gates and ferries, and to assess a county tax, under a certain amount, are powers that could with great propriety be trusted to the Judge of the County Court and Commissioners of Roads and Revenue. I am fully aware that that Court under existing laws, possesses power to some considerable extent, over these subjects; but the facility with which special acts are passed, providing for each case, has diminished greatly the business of that Court, and increased astonishingly the number of applications for this kind of legislation to the General Assembly. The right to exercise corporate privileges in small towns and villages, or to form associations or companies for commercial, manufacturing or mining purposes, could, with great propriety and safety, as I conceive, be conferred upon those desiring them, by some general law, under the control and scrutiny of some of the higher courts of the State. It would be proper in any general law of this character, to limit the corporate privileges, as well as the amount of property to be held; and reserve, especially, the right of the General Assembly to revoke any charter or privilege granted, when it was the pleasure of the Legislature to do so; by adopting some general law, by which the mass of special legislation can be avoided, and at the same time, adopting some system which will confer the privileges upon those who desire them, you will have accomplished much, in the economy of time, labor and money.

Our University, under the present very able and indefatigable faculty, is receiving, as it eminently merits, a liberal patronage from the public. An institution so liberally endowed, and thus constituted, a nursery of the talents of the youth, and which is destined to form the intellectual and moral character of so large a portion of the young men of our State, most of whom must fill important stations in society—in the councils of the State, and in the different learned professions, can scarcely receive too much of the fostering care of the General Assembly. The heavy debt due from the University to the State Bank, is continually augmenting by the interest which is annually accruing. If no provision is made for the payment of the debt, in a few years, a very large portion of the University fund will be absorbed in the yearly accumulation of interest. I have brought this subject to your notice, with an anxious desire that some provisions be made for the payment of the debt, and to relieve the University fund from the yearly drain to which it is now liable.

In accordance with the requirements of the Constitution, the census will have to be taken the ensuing year. It will be necessary, therefore, for the General Assembly to make suitable provisions for that purpose.

At the request of the Medical Society in Mobile, through their President, I directed the President and Directors of the Mobile Branch Bank to exclude from sale the two lots situated on the north-east corner of St. Francis and St. Joseph streets, numbers fifty-nine and sixty, which were advertised to be sold, with a portion of the real estate owned by the Mobile Branch, in November last. The object of the society in desiring a postponement of the sale of this property, was to enable them to memorialize your honorable bodies, to make a donation of those lots to the society, for the purpose of founding a Medical College. Being entirely willing to remove any obstacle which would prevent the Legislature from complying with their request, if it should be their pleasure to do so, and being satisfied that the property would not deteriorate in value, before the lots could be again brought into market, if the wisdom of the General Assembly should refuse the donation, were my reasons for excluding those lots from sale. A memorial from the society, fully presenting their views and design, I presume will be laid before you in due time.

Since the adjournment of the last General Assembly, the Honorable Henry Goldthwaite has resigned the office of Judge of the Supreme Court. Vacancies have also occurred since that period, in the office of Judge of the Circuit Court of the third and ninth judicial circuits, the office of solicitor of the second circuit, the office of Quarter Master General, and the office of Judge of the County Court, in the counties of Randolph, Lawrence, Franklin, Walker, Pickens, Marion, Dale and Macon, all of which have been filled, as required by the Constitution.

Colonel Armstrong, one of the Inspectors of the Penitentiary, having failed to attend three successive monthly meetings of the Board of Inspectors, his office was declared vacant under the provisions of an act approved eleventh of February, one thousand eight hundred and forty-three, which vacancy has been filled, as directed in said act.

On the sixth of October last, I made the annual visit, as required by law, to the Penitentiary, and examined the prison and convicts, with that scrutiny which the act requiring me to perform that duty would seem to demand. The result of my examination satisfied me, that neatness and order pervaded the institution, and that a proper discipline appeared to characterize its operations. The financial operations of the Penitentiary for the current year will be laid before you by the Warden, through the Comptroller of Public Accounts, as required by law.

The annual report made to this Department by the Inspectors, suggests some alterations in the Penal Code, which would seem to be salutary. The report presents a detailed, and no doubt correct statement of the operations of the Prison for the present year; and believing all the information embraced in it should be laid before the General Assembly, I have the honor of submitting herewith a copy of the entire report.

I have thus, gentlemen, brought to your notice the subjects which I conceive, require your consideration. The views which I have submitted have been communicated after due reflection, and with a settled conviction that they are for the public good. But should the General Assembly not regard the views which I have had the honor to communicate, as conducive to the public interest, I will readily co-operate with your honorable bodies in adopting any measure which I am satisfied will result in the accomplishment of that end.

That the deliberations of the General Assembly may be conducted in the spirit of peace and harmony, and that the result may equal the just expectations of the public, is my sincere desire.

BEN. FITZPATRICK.

Mr. Hubbard moved that the message be laid on the table, and that five hundred copies be ordered to be printed.

A division of the question being called for, it was first taken on laying on the table, and carried.

The question then recurred on ordering the printing of five thousand copies, and lost—Yeas 23, Nays 49.

YEAS—Messrs Alexander, Clarke, Cook, Douglass, Evans, Garrett, Hefflin, Hendrix, Hill of B. Hill of T. Hubbard. Humphreys, Jackson of A. Jones of F. Lankford, McCartney, Norman, Steele, Storrs, Sykes, Taylor, Williams of J. and Winston.

NAYS—Messrs Speaker, Aldridge, Allen, Banks, Barker, Barron, Bridges, Bryan, Calloway, Campbell, Clancey, Cobb, Davis of B. Davis of L. Drane, Fletcher, Franks, Frazier, Griffin, Hale, Hancock, Harris, Holstein, Howard, Huntington, J. D. Johnson, R. T. Johnston, Martin, McLemore, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris, Morrisett, Mudd, Oliver, Portis, Rose, Sandidge, Segar, Spruill, Troup, Walker, Webb, and Wither-spoon.

Mr. Winston moved that three thousand copies be printed; which was carried.

And the House adjourned until to-morrow morning, at ten o'clock.

DECEMBER 6TH, 1843.

The House met pursuant to adjournment.

Messrs. Norman, McLeod, and John A. Stringer of Pike, George A. Snowden of Covington, John Caffey of Montgomery, W. D. Dunn of Mobile, David Owen of Shelby, and John P. Nall of Lowndes, appeared in the Hall of the House, were qualified and took their seats.

Mr. McLemore presented the petition of sundry citizens of La Fayette; which was referred to a select committee, consisting of the delegation from Chambers.

Mr. Morris presented the petition of B. W. Wilson, and others; which was referred to the committee on propositions and grievances.

Mr. Morris also presented the accounts of George M. Neale, jailer, and R. H. Poe, sheriff of Fayette county; which was referred to the committee on accounts.

Mr. Norman presented the petition of sundry citizens of Franklin county, in relation to an election precinct; which was referred to the committee on privileges and elections.

Mr. Norman presented the petition of Elisha Garner, and other citizens of Franklin county; which was referred to the committee on propositions and grievances.

Mr. Norman also presented the petition of Mrs. Elsy Clay; which was referred to the committee on the judiciary.

Mr. Cook introduced a bill to secure to *femes covert* their individual property; which was read the first time and ordered to a second reading.

Mr. Jones presented the petition of sundry citizens of Franklin county, in relation to the Ragsdale Turnpike; which was referred to the committee on roads, bridges, and ferries.

Mr. Webb introduced a bill to change the time of holding the winter term of the county court for the county of Greene; which was read the first time and ordered to a second reading.

Mr. Williams of Henry, presented sundry accounts; which were read and referred to the committee on accounts.

Mr. Williams of H. also presented the petition of J. J. Corbin; which was also referred to the committee on accounts.

Mr. Mudd introduced a bill to change the name of a certain person therein named; which was read the first time and ordered to a second reading.

Mr. Walker presented the petition of Robert C. McCord, and others, in relation to the estates of deceased persons; which was referred to the committee on the judiciary.

Mr. Davis presented the petition of Wm. Fisher, and others; which was referred to the committee on education.

Mr. Davis introduced joint resolutions proposing an amendment to the Constitution; which was read the first time and ordered to a second reading.

Mr. Sandidge presented the petition of Thomas McCrary, and others; which was read and laid upon the table.

Mr. Clemens introduced a bill to abolish the separate chancery court system; which was read the first time and ordered to a second reading.

Mr. Griffin introduced a bill to divorce John W. Jones from his wife, Minerva Jones; which was read the first time and ordered to a second reading.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate concurs in the amendment of the House to the resolution of the Senate in reference to the election of a Judge of the county court of Franklin county.

The Senate has also adopted the resolution of the House, proposing to assemble in the Hall of the House on the sixth instant, at eleven o'clock, to count the votes for, and declare the election of Governor of the State of Alabama.

Mr. Humphreys introduced a bill to reduce the number of Directors and officers of the several Branch Banks of the State of Alabama; which was read the first time and ordered to a second reading.

Mr. Humphreys introduced a bill to alter the time of holding the county court for the county of Morgan; which was read the first and ordered to a second reading.

The hour of eleven having arrived, the Senate was invited into the Hall of House for the purpose of counting the votes for, and declaring the election of Governor.

The Senate repaired to the Hall of the House, and on counting the votes, it appearing that Benjamin Fitzpatrick having received a majority of the whole number of votes given, Mr. Speaker, in the presence of both Houses, declared him duly and constitutionally elected Governor for the term prescribed by the Constitution.

Mr. Spruill presented the petition of sundry citizens of Pickens county; which was read and referred to the committee on county boundaries.

Mr. Spruill introduced a bill to repeal an act entitled an act, to attach a part of the county of Pickens to the county of Greene; which was read the first time and ordered to a second reading.

Mr. Spruill also introduced a bill to alter and regulate the mode of taxing lands in this State; which was read the first time and ordered to a second reading.

Mr. R. T. Johnston presented the petition of J. F. Stinson, and others, of Pickens county; which was read and referred to the committee on privileges and elections.

Mr. Segar introduced a bill in respect to taxes in this State; which was read the first time and ordered to a second reading.

Mr. Segar introduced a bill in aid of the county treasurer of Russell county, &c.; which was read the first time and ordered to a second reading.

Mr. Clarke presented the accounts of William G. Ryan, and Joseph D. Copeland; which were severally referred to the committee on accounts.

Mr. Huntington presented the petition of Moses McGuire, in relation

to clerk's fees on Bank cases; which was referred to the committee on the judiciary.

Mr. Clancey presented the account of the sheriff of Walker county; which was referred to the committee on accounts.

Mr. Bridges introduced a bill in relation to the nomination of Bank Directors; which was read the first time, rule suspended, read the second time, rule further suspended, read third time and passed.

Ordered, that the same be sent to the Senate forthwith.

A message from the Governor, by Mr. Garrett, Secretary of State:

EXECUTIVE DEPARTMENT, }
TUSCALOOSA, DEC. 6TH, 1843. }

To the Speaker of the House of Representatives:

Sir—I have the honor to inform the House of Representatives, that I have received the resignation of the Honorable Greene T. McAfee, resigning the office of Judge of the county court of Talladega county.

Also the resignation of Sampson W. Harris, Esq., resigning the office of Solicitor of the eighth judicial circuit.

[Signed,]

BENJ. FITZPATRICK.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has adopted the following resolution:

Resolved, That the President of the Senate appoint a committee to act with such committee as may be appointed by the House of Representatives, to wait on His Excellency Governor Fitzpatrick, and inform him of his re-election as Governor of the State of Alabama, and to ascertain when it will suit his convenience to take the oaths of office, in which resolution the concurrence of the House is requested.

In conformity with the above resolution, Messrs Hudson, McVay, and Watkins, are appointed on the part of the Senate.

The resolution of the Senate was concurred in; and Messrs Martin, Barron, and Evans, were appointed said committee on the part of the House.

On motion of Mr. Hubbard,

Resolved, by the House of Representatives of the State of Alabama, That the Presidents of the State Bank and of the several Branches, be instructed forthwith to report to this House the names of the several Attorneys appointed by them to collect the bad and doubtful debts due said Bank and Branches, what sums they have paid or agreed to pay to each of said Attorneys out of the bad and doubtful debts, and what sums in addition thereto they have paid or agreed to pay out of the other funds of the Banks respectively, to whom and the amount.

And also that the Cashier of each Bank be requested to lay before the General Assembly, the names of the individuals from whom the Bank Attorneys in each county have collected money as being bad and doubtful debts, and the names of each debtor from whom such Attorney has been employed to collect.

On motion of Mr. Clemens,

Resolved, That the Speaker of this House be requested to appoint a standing committee on federal relations.

Mr. Rose offered the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House of Representatives on Saturday, the ninth inst., at the hour of twelve o'clock, for the purpose of electing a Judge of the county court of Coosa.

Mr. Clemens moved to lay the resolution on the table; which was carried.

Mr. McMillion of J. offered the following preamble and resolution:

Whereas, there exists a difference of opinion amongst the tax payers in this State, with regard to the mode of giving in their lands; and whereas, in many counties some gave in their lands without regard to the improvements thereon, whilst others gave in their lands including their improvements. In order, therefore, to avoid this difficulty hereafter,

Be it therefore Resolved, That the committee on ways and means be instructed to enquire into the expediency of so changing the second section of the revenue bill, as to remedy this defect in the law upon the subject, with leave to report by bill or otherwise; which was adopted.

On motion of Mr. Martin,

Resolved, That a select committee composed of one member from each judicial circuit be appointed to take into consideration the sixteenth section fund of this State.

Mr. Spruill offered the following resolution, to-wit:

Resolved, That the committee on ways and means be instructed to ascertain whether the amount of revenue collected this year has not been more than was required to defray the expenses of the State government, and if it has, to introduce a bill graduating the same to an amount sufficient only to meet the wants of the State.

Mr. Hubbard moved to lay the resolution on the table; which was carried.

On motion of Mr. Morris,

Resolved, That with the concurrence of the Senate, the two houses will assemble in the Hall of the House on Friday, the eighth inst., for the purpose of electing a Judge for the county court of Fayette county.

Mr. Davis presented the petition of James Coleman and others; which was referred to the committee on education.

On motion of Mr. Hubbard,

Resolved, That a select committee be appointed to prepare a memorial to the Congress of the United States, requesting a cession of the refuse lands within the State of Alabama to the State, for the purpose of establishing schools within the same, where sixteenth sections have not been of value sufficient to support schools.

Mr. Aldridge introduced a joint memorial of the Senate and House of Representatives, to the Congress of the United States, praying Congress to equalize the value of the sixteenth sections within the State; which was read and referred to a select committee.

On motion of Mr. Douglass,

Resolved, That a select committee be appointed to memorialize the Congress of the United States, asking a reduction of the price of the public lands within the State, and that the settlers and occupants of the same have rights of pre-emption granted to them at such reduced prices for certain periods of time, at each reduction, which may take place under such system of graduation and reduction.

Whereupon, Messrs. Hubbard, Webb and Aldridge were appointed.

On motion of Mr. Clarke,

Resolved, That the committee on the Penitentiary be instructed to enquire into the expediency of constructing within the Penitentiary of the State of Alabama, suitable machinery for the manufacture of rope and bagging, &c., and to enquire into the expediency of directing the labor of the convicts to said construction, and the manufacture of said articles, with leave to report by bill or otherwise.

Mr. Speaker laid before the House the report of John Marrast, President of the State Bank, showing the condition of said Bank; which was read and laid on the table.

Mr. Speaker laid before the House the annual report of the Cashier of the Branch Bank at Montgomery; which was laid on the table.

Mr. Martin, from the select committee appointed on the part of the House to wait on the Governor and inform him of his re-election, and enquire when it would suit his convenience to take the oaths of office, reported that the committee had performed that duty, and had been informed by the Governor that he would take the oaths of office on Friday next at twelve o'clock.

Mr. Speaker laid before the House sundry records of divorce; which were on motion, referred to the committee on divorce and alimony.

Mr. Speaker laid before the House the reports of the Commissioners appointed to examine the State Bank and the Branches at Mobile, Huntsville and Decatur; which were laid on the table.

Mr. Speaker also laid before the House the report of the Inspectors of the Penitentiary.

Mr. Frazier moved that the report be laid on the table, and that five hundred copies be ordered to be printed.

Mr. Douglass called for a division of the question, which was first taken on laying the report on table, and carried.

The question then recurred on ordering the printing of five hundred copies, and was lost.

Mr. Bridges moved that one hundred and thirty-three copies be printed; which was carried.

The House then proceeded to the consideration of the orders of the day.

The bill to return the sixteenth section funds deposited in the State Bank and Branches, was read the second time.

Mr. Griffin moved to refer the bill to the committee on education; which was lost.

On motion of Mr. Spruill, it was referred to a select committee consisting of one member from each judicial circuit.

The bill to incorporate the town of Huntsville was read the second time, and referred to the delegation from Madison.

The bill to change the time of holding the county court of the county of Perry, was read the second time.

On motion of Mr. Barron, the rule was suspended, the bill read the third time forthwith and passed. The title was amended.

Ordered, that the bill be sent to the Senate for its concurrence.

The bill for the benefit of overseers was read the second time, and referred to the committee on the judiciary.

The bill to reduce the per diem pay of the members of the General Assembly, was read the second time.

Mr. McMillion, of J., moved to amend as follows:—Strike out all after the enacting clause, and insert the following :

“That the members of the present General Assembly, and those hereafter to be elected, shall receive three dollars per day, and fifteen cents per mile in travelling to and returning from the seat of government, and no more ”

Mr. Bridges moved to refer the bill and amendments to a select committee.

And the House adjourned until to-morrow morning, at ten o'clock.

DECEMBER 7th, 1843.

The House met pursuant to adjournment.

John Jackson, a representative from the county of Barbour, appeared in the Hall of the House, was qualified, and took his seat.

Mr. Speaker announced the following standing committees, to wit :

On Accounts—Messrs. Evans, Miree, Morrisett, Hale, Banks, Davis, of B., Allen, Williams of J., and Holstein.

On the State Bank and Branches—Messrs. Moore, of M., Douglass, McLemore, Rose, Humphreys, Frazier, McAlpin, Steele, and Mitchell.

On Ways and Means—Messrs. Bridges, Barron, Hubbard, Winston, Webb, Spruill, Franks, Bryan and Lang.

On the Judiciary—Messrs. Clemens, Martin, Dunn, Huntington, Evans, Humphreys, Walker, Anderson, and Norman.

On Education—Messrs. Norman, Sykes, Howard, Storrs, Hill, of B., Mudd, Jones, of F., Tate, and Alston.

On Enrolled Bills—Messrs. Storrs, McMillion, of B., Cook, Jackson of B. Moore of B. Barker, Williams of H. Calloway and J. D. Johnson.

On Internal Improvements—Messrs. Dunn, Baldwin, McLeod, Witherspoon, Hatcher, Meriwether, Fletcher, Jones of C. and Hill of T.

On Roads, Bridges and Ferries—Messrs. McMillion of J. Trawick, Campbell, McCartney, Stringer, Harris, Jones of C. Davis of L. and Owens.

On Privileges and Elections—Messrs. Winston, Todd, Griffin, Spruill, Scruggs, Sandidge, Taylor, Mitchell and Reid.

On the Military—Messrs. Frazier, Troup, Jackson of A. Cobb, Walker, Hendrix, Bryan, Morris and Lang.

On County Boundaries—Messrs. Allston, Griffin, Oliver, Nall, McGriff, R. T. Johnston, Alldridge, Lankford and Hefflin.

On Public Printing—Messrs. Hill of B. Witherspoon, Alexander, Meriwether, Douglass, Hendrix, Turner, Whitsett and Williams of B.

On Propositions and Grievances—Messrs. Dear, Cook, Scruggs, Clancey, McLeod, Sandidge, Lankford, Snowden and Segar.

On Divorce and Alimony—Messrs. Clarke, Hale, Portis, Sykes, Alexander, Tate, Troup, Davis of B. and Garrett.

On Agriculture—Messrs. Steele, Barron, Caffey, Drane, Allen, Davis of L. Campbell, Hancock and Morris.

On the Penitentiary—Messrs. Rose, Miree, Banks, McAlpin, Alexander, Caffey, Jackson of A. Cobb and Howard.

On Retrenchment—Messrs. Martin, Webb, Morrisett, Portis, Jackson of B. McMillion of J. Clancey, Todd and Franks.

On Federal Relations—Messrs. Hubbard, Huntington, Bridges, Dunn, Martin, McLemore, Mudd, Moore of M. and Clarke.

Mr. Speaker laid before the House the report of the commissioners appointed to examine the Branch Bank at Montgomery; which was referred to the committee on the State Bank and Branches.

Mr. Barron moved that all Bank reports heretofore received, be also referred to the committee on the State Bank and Branches; which was carried.

Mr. Allen introduced a bill to abolish and establish certain election precincts therein named; which was read the first time and ordered to a second reading.

Mr. Allen presented the petition praying the incorporation of the Mount Zion United Baptist Church of the County of Benton; which was read and referred to the committee on propositions and grievances.

Mr. Taylor introduced a bill for the support of paupers in the county of Butler.

Mr. Aldridge introduced a bill to allow the first and second battalions in the ninety-first regiment, Alabama militia, to hold courts martial, with a less number of officers than now required by law, and for other purposes.

Mr. Evans introduced a bill to establish an election precinct in the county of Dallas.

And also a bill for the relief of Basil Gardner; which were severally read the first time, and ordered to a second reading.

Mr. Cook introduced a bill to restore to citizenship James Patterson, of the county of Franklin; which was read the first time, and ordered to a second reading.

Mr. Norman introduced a bill to repeal in part an act therein named, and for other purposes; which was read the first time, rule suspended, read the second time, and referred to a select committee, consisting of the delegations from Franklin and Marion.

Mr. Williams of H. presented the account of John Chancey; which was read and referred to the committee on accounts.

Mr. Frazier presented a petition from Moses Smith and others; which was read and referred to the committee on the military.

Mr. Frazier introduced a bill to change the names of certain persons therein named; which was read the first time and ordered to a second reading.

Mr. Walker introduced a bill concerning the estates of deceased persons. And also a bill to restrain the jurisdiction of the county courts; which were severally read the first time, and ordered to a second reading.

Mr. Davis of L. presented the petition of John Wofford and others; which was referred to a select committee on the sixteenth section fund.

Mr. Davis also presented the petition of Wm. Hatchcock and others; which was referred to the committee on propositions and grievances.

Mr. Moore of M. presented the memorial of township three, range one, east; which was referred to the committee on the sixteenth section fund.

Mr. McCartney presented the petition of Wm. P. Harvey and others, in relation to a certain turnpike road therein named; which was referred to the committee on roads, bridges and ferries.

Mr. McCartney also presented the petition of John Douglass and others; which was referred to the committee on roads, bridges and ferries.

Mr. Barron presented the petition of J. K. C. Pool and others; which was referred to the committee on the judiciary.

Mr. J. D. Johnson introduced a bill to regulate the time of holding the circuit court of Pickens and Sumter counties; which was read the first time, and ordered to a second reading.

Mr. Stringer presented the account of Simeon W. Willis, a constable of Pike county; which was referred to the committee on accounts.

Mr. Hefflin presented the account of Daniel Chiles; which was referred to the committee on accounts.

Mr. Segar introduced a bill to compensate the commissioners of roads and revenue in the county of Russell.

Mr. Cobb introduced a bill to compensate talesjurors in the county of St. Clair.

Mr. Cobb also introduced a bill to authorize the levying a special tax to build a court house in the county of St. Clair; which were severally read the first time, and ordered to a second reading.

A message by Mr. Clitherall:

Mr. Speaker:—I have the honor to inform the House of Representatives of the adoption by the Senate of the resolution of the House proposing to elect a judge of the county court of Fayette, and has amended the same by striking out "Friday, the eighth," and inserting in lieu thereof "Saturday, the ninth."

The Senate has also adopted the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on Saturday the ninth inst., at twelve o'clock, M. for the purpose of electing a Judge of the county court for Macon county; in which the concurrence of the House is requested.

The amendment of the Senate to the resolution of the House was concurred in, and the resolution of the Senate concurred in.

Ordered, that the clerk inform the Senate.

Mr. Huntington introduced a bill providing for the incorporation of academies; which was read the first time, and ordered to a second reading.

Mr. Jackson of A. presented the record of divorce in the case of Jesse Jackson against Lucinda Jackson; which was referred to the committee on divorce and alimony.

Mr. Speaker laid before the House two records of divorce; which were referred to the committee on divorce and alimony.

Mr. Speaker laid before the House sundry documents from the Branch Bank at Decatur; which were referred to the committee on the State Bank and Branches.

Mr. Speaker laid before the House a communication from Charles T. Pollard Esq.; which was referred to the committee on internal improvement.

Mr. Hale introduced a bill to amend an act entitled an act to abolish imprisonment for debt, approved February first, eighteen hundred and thirty nine; which was read the first time, and ordered to a second reading.

On motion of Mr. Griffin,

Resolved, That the committee on the State Bank and Branches be instructed to inquire into the expediency of altering and amending the act passed at the last session of the General Assembly of this State, which requires Bank debtors (before they can renew notes) to give the same endorsers, and to report by bill or otherwise.

On motion of Mr. Jackson, of A.,

Resolved, That the committee on the State Bank and Branches be instructed to inquire into the expediency of repealing the law, and authorizing the appointment of Bank Marshals.

The hour of twelve having arrived, the House proceeded to the consideration of the orders of the day.

The bill to change the time of holding the county court of Morgan county, was read the second and third times forthwith and passed.

Ordered, that the same be sent to the Senate for its concurrence.

The bill to repeal an act entitled an act to attach a part of the county of Pickens to the county of Greene, was read the second time and referred to the committee on county boundaries.

The bill to alter and regulate the mode of taxing lands in this State;

And the bill to amend the law in relation to taxes in this State, were severally read and referred to the committee on ways and means.

The bill to reduce the number of Directors and officers of the several Branch Banks, of the State of Alabama, was read the second time and referred to the committee on the State Bank and Branches.

The bill to change the name of a certain person therein named was read the second time, and ordered to be engrossed for a third reading.

The bill to abolish the separate Chancery court system was read the second time, and referred to the committee on the judiciary.

The bill to divorce John W. Jones from his wife Minerva Jones, was read the second time, and referred to the committee on divorce and alimony.

The bill to change the time of holding the winter term of the county court for the county of Greene, was read the second time and ordered to be engrossed for a third reading.

The joint resolutions proposing an amendment to the Constitution, were read the second time and referred to the committee on the judiciary.

The bill to aid the county Treasury of Russell county, was read the second time and ordered to be engrossed for a third reading.

The bill to secure to *femes covert* their individual property, was read the second time and referred to the committee on the judiciary.

The House resumed the consideration of the bill to reduce the per diem pay of the members of the General Assembly: the question pending on Mr. Bridges motion to refer to a select committee.

Mr. Spruill moved to refer the bill and amendments to the committee on retrenchment; which was carried.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has appointed Messrs. Fleming, Hudson and McVay, a committee to act with such committee, as may be appointed by the House to make suitable arrangements for the Inauguration of the Governor elect.

The resolution was concurred in, and Messrs. Moore of M.; Troup, and Witherspoon, were appointed said committee on the part of the House.

Mr. Moore of M., moved that the Governor's message be taken from the table, and that the House resolve itself into a committee of the whole to consider said message.

Mr. Barron called for a division of the question; which was first taken on taking the message from the table, and carried.

The question was then taken on going into committee of the whole, and carried.

So the House resolved itself into committee of the whole House, and after some time spent in deliberation, the committee rose, and through its Chairman, Mr. Moore of M., reported the following resolution, to wit:

Resolved, That so much of the Governor's message as relates to Banks, be referred to the committee on the State Bank and Branches.

So much as relates to the compensation and duties of Adjutant General, be referred to the committee on military affairs.

So much as relates to the Sixteenth Section fund, be referred to the select committee of nine upon that subject.

So much as relates to the two per cent. fund, be referred to the committee on Internal Improvement.

So much as relates to election returns, Sheriffs' and Jailor's fees, Creek indemnity, special legislation, and State census, be referred to the committee on the judiciary.

So much as relates to the University, be referred to the committee on education.

So much as relates to the Penitentiary and Penal Code, to the committee on the Penitentiary.

So much of the Governor's message as relates to the preservation of the faith and credit of the State, be referred to a select committee consisting of one member from every Congressional district in the State, with instructions to report a series of joint resolutions, having reference to the premises.

The report of the committee was concurred in.

And the House adjourned until to-morrow morning at ten o'clock.

DECEMBER 8th, 1843.

The House met pursuant to adjournment.

Mr. Speaker announced the appointment of the select committee, consisting of one member from each judicial circuit on the sixteenth section fund, to wit:

Messrs. Clemens, Miree, Evans, Hale, Norman, Morrisett, Baldwin, Jackson, of B., and Clarke.

Mr. Speaker laid before the House the report of the commissioners appointed to examine the Branch Bank at Huntsville; which was referred to the joint examining committee.

Mr. Speaker also laid before the House the report of the Cashier of the State Bank; which was referred to the joint examining committee.

Mr. Speaker also laid before the House the report of the commissioners appointed to examine the expense account of the State Bank, and the Branch Bank at Huntsville.

Mr. Speaker laid before the House the records of divorce in the cases of Peter E. Fortson vs. Naomi Fortson, Palatine McElton vs. William McElton, and Samuel H. Shannon vs. Drusilla Shannon.

Mr. Moore, of B., introduced a bill to regulate the working of roads in Baldwin county in certain cases; which was read the first time and ordered to a second reading.

Mr. Jackson of B., presented the account of Judge S. Williams; which was referred to the committee on accounts.

Mr. Jackson of B., also presented the petition of William S. Taylor; which was referred to the committee on accounts.

Mr. Taylor presented the account of the jailer of Butler county; which was referred to the committee on accounts.

Mr. McLemore introduced a bill to be entitled an act to compensate Bambridge Boazman; which was read the first time, rule suspended, read second time forthwith, and referred to the committee on accounts.

Mr. Winston presented the petition of citizens of De Kalb county, praying the formation of a company beat.

Mr. Winston introduced a bill to regulate the issuance of executions upon forthcoming bonds;

Also, a bill authorizing sales by administrators and executors in certain cases.

Mr. Morris introduced a bill to repeal an act entitled an act to prevent the sacrifice of real estate.

Mr. Cook introduced a bill to require tax collectors to receive all county claims in payment of taxes.

Mr. Jones of F. introduced a bill to provide for the assessment and collecting of taxes.

Mr. Jones of F. also introduced a bill for the protection of Sheriffs and Coroners; which were severally read the first time and ordered to a second reading.

Mr. Hale presented the petition of M. M. Keith and others; which was referred to the committee on the sixteenth section fund.

Mr. Hale presented also the petition of Wallis Alexander and others; which was referred to the committee on propositions and grievances.

Mr. Hale introduced a bill for the security of Sheriffs in certain cases; which was read the first time and ordered to a second reading.

Mr. Webb introduced a petition from William Kerr and others; which was read and referred to the committee on the military.

Mr. Franks presented the petition of sundry citizens of Jackson county, praying the passage of a law for the relief of Drury Roberts; which was referred to a select committee, consisting of the delegation from Jackson.

Mr. Williams presented the petition of sundry citizens, living near Mountain Spring Camp Ground; which was read and referred to the committee on propositions and grievances.

Mr. Williams of J. introduced a bill for the relief of the Methodist Episcopal Church at Mountain Spring Camp Ground, in Jackson county; which was read the first time and ordered to a second reading.

A message from the Senate, by Mr. Clitherall :

Mr. Speaker—The Senate has passed bills from the House of Representatives, of the following titles :

An act in relation to the nomination of Bank Directors ;

And an act to change the time of holding the county court of Perry county.

Also, joint resolutions of the Senate and House of Representatives of the State of Alabama, upon the subject of postage, and has amended the same as therein shewn.

The Senate has originated and passed a bill entitled an act to extend the time of making returns by the tax collectors of this State, in which the concurrence of your honorable body is requested.

Mr. Frazier introduced a bill to amend the provisions of an act, approved first January, eighteen hundred and forty-two, entitled an act to prevent the sacrifice of real estate, which was read the first time, and ordered to a second reading.

Message from the Senate, by Mr. Couch :

Mr. Speaker—The Senate has adopted the following resolution :

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives, on Saturday, the ninth instant, at twelve o'clock *a.* for the pur-

pose of electing a Judge of the county court of Coosa county, in which the concurrence of the House is requested.

Mr. Walker introduced a bill to amend the statute of limitations; which was read the first time, and ordered to a second reading.

Mr. Hubbard introduced a petition in relation to the estates of deceased persons; which was referred to the committee on the judiciary.

Mr. Oliver introduced a bill to compensate certain officers therein named; which was read the first time, and ordered to a second reading.

Mr. Clemens introduced a bill to regulate the taking of testimony by commission; which was read the first time, and ordered to a second reading.

Mr. McCartey introduced a bill to abolish a certain election precinct in Marion county, and establish another in lieu thereof; which was read the first time, and ordered to a second reading.

Mr. Griffin presented the petition of W. P. McFarlane and others; which was referred to the committee on the military.

Mr. Howard introduced a bill concerning the county taxes of Monroe county; which was read the first and second times, and ordered to be engrossed for a third reading.

Mr. Miree introduced a bill to authorize the sale of the Reports of the Supreme Court; which was read the first time, rule suspended, read the second time forthwith, and referred to the committee on ways and means.

Mr. McLeod introduced a petition from sundry citizens of Pike county, praying to be attached to the county of Barbour; which was read and referred to a select committee, consisting of the delegations from Pike and Barbour.

Mr. Segar introduced a bill in relation to election returns;

And, also, a bill in relation to civil process; which were severally read the first time, and ordered to a second reading.

Mr. Cobb introduced a bill, extending to the county of St. Clair the provisions of certain acts therein named.

Mr. Clancey introduced a bill to authorize the sheriff of Walker county to do constables' business.

Mr. Bridges introduced a bill for the relief of Sarah Ann Black, of Wilcox county; which were severally read the first time, and ordered to a second reading.

Mr. Bridges presented the petition of sundry citizens of Wilcox county, praying the rescission of certain contracts for the sale of land; which was referred to the committee on the sixteenth section fund.

Mr. Bridges also presented the petition of Solomon Perkins; which was referred to a select committee, consisting of the delegations from Wilcox and Marengo.

Mr. McCartey introduced a joint memorial to the Congress of the United States, in relation to the two per cent. fund, which was read.

The hour of twelve having arrived, Mr. Moore of M. offered the following resolution; which was adopted:

Resolved, That the Senate be now invited to assemble in the Hall of

the House for the purpose of administering the oaths of office to his Excellency BENJAMIN FITZPATRICK, the Governor elect of the State of Alabama, for the ensuing constitutional term of two years.

The Senate repaired to the Hall of the House; BENJAMIN FITZPATRICK, the Governor elect, appeared before the two houses, and after a brief but eloquent address, announced himself prepared to take the oaths of office. The oaths were administered by the Speaker of the House; and the Governor and Senate withdrew.

Mr. Martin from the select committee appointed to draft rules for the government of the House, reported rules for the government of the House of Representatives, and recommended their adoption.

The rules were adopted, and one hundred copies ordered to be printed for the use of members.

The House resumed the consideration of the memorial in relation to the two per cent fund.

On motion of Mr. Hubbard, the memorial was postponed until Tuesday next, and made the special order for that day.

And the House adjourned until ten o'clock to-morrow.

DECEMBER 9th, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from W. Garrett, E-q. Secretary of State, showing the vote of the State on the proposed amendments to the constitution; which was read.

Ordered, that the communication be laid on the table.

On motion of Mr. Clemens,

Resolved, That the several standing committees of this house, and the select committee of one from each judicial circuit shall have power to call for such information from the proper quarters as they may deem necessary.

Mr. Speaker laid before the House the following communication from J. C. Van Dyke, Comptroller:

COMPTROLLER'S OFFICE, }
DECEMBER 9th, 1843. }

Honorable A. B. Moore, Speaker of the House of Representatives:

Sir—I have the honor herewith to hand you the following accounts and claims against the State, to wit: Thomas Gray Garrett, R. H. Poe, James Daniel, George M. Neal, Thomas Robinson, James M. Asten, R. S. Johnson, Samuel Dennis, Thomas Samples, Hugh P. Caffey, R. S. Johnson, John W. Cobb, S. B. Robinson, W. J. Willis, J. F. Grant, Fielding Snow, John F. Moody, John Allans, J. G. Garrett, Robert S. Porter, Thomas S. Harvey, White & Paullins, James P. Steadley, John Chancey, Weeks Pippin, John Chancey, and Isaac Kirkland

(Signed,)

J. C. VAN DYKE,
Comptroller Public Accounts.

Mr. Jackson of A. introduced a bill to abolish a certain election precinct therein named, and for other purposes; which was read the first time, and ordered to a second reading.

Mr. Cook presented the petition of sundry citizens of Franklin county; which was referred to the committee on propositions and grievances.

Mr. Hancock presented the petition of the Jackson county Guards; which was read and referred to the committee on the military.

Mr. Hancock introduced a bill to incorporate the Jackson county Guards; which was read the first time, and ordered to a second reading.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed a bill entitled an act to legalize a certain term of the county court of Tuscaloosa county, therein named.

The Senate has also passed a bill which originated in the Senate, entitled an act to change the time of holding the county court of Sumter county.

Mr. Campbell introduced a bill providing compensation for the killing of wolves; which was read the first time, and ordered to a second reading.

Mr. Douglass presented the petition of sundry citizens of Lauderdale county, praying a change of the manner of assessing and collecting the State and county taxes; which was read and referred to the committee on ways and means.

The resolution from the Senate proposing to elect a Judge of the county court of Coosa county this day at twelve o'clock, was concurred in.

Ordered, that the clerk inform the Senate.

Mr. McCartey introduced a bill authorizing the levy of a special tax in the county of Marion; which was read the first time, and ordered to a second reading.

Mr. Calloway presented the account of William Cox; which was read and referred to the committee on accounts.

Mr. Humphreys introduced a bill to repeal in part an act entitled an act to amend the laws now in force in relation to insolvent estates; which was read the first time, and ordered to a second reading.

Mr. Mirce introduced a bill for the relief of Milly Sample.

Mr. J. D. Johnson introduced a bill to compensate talesmen.

Mr. R. T. Johnston introduced a bill the better to secure the performance of duty on the part of commissioners of sixteenth sections.

Mr. Stringer introduced a bill for the relief of Benjamin Maguirk.

Mr. Segar introduced a bill to provide a summary remedy for the recovery of stolen property; which were severally read the first time, and ordered to a second reading.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has adopted the following resolution:

Resolved, by the Senate, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on Tuesday the twelfth instant, for the purpose of electing a Judge of the county court of Pickens county, and a Judge of the county court of Lawrence county; also a Judge of the county court of Dallas county.

The resolution of the Senate was concurred in.

Ordered, that the Clerk inform the Senate.

Mr. Clarke introduced a bill to abolish the punishment of death upon free white persons in the State of Alabama.

Mr. Bryan introduced a bill to reduce the fees of jurors and witnesses in the county of Tallapoosa.

Mr. Bryan also introduced a bill to abolish a certain election precinct, and for other purposes; which were read the first time and ordered to a second reading.

Mr. Huntington introduced a bill to repeal part of an act therein named; which was read the first time and ordered to a second reading.

Mr. Bridges presented the petition of sundry citizens of Wilcox county, praying the repeal of the act incorporating the town of Allenton in Wilcox county; which was referred to the delegation from Wilcox.

Mr. Winston presented the petition of Simpson C. Newman of De Kalb county; which was read and referred to the committee on the State Bank and Branches.

Mr. Winston also presented the petition of Abraham Horton and others; which was referred to a committee consisting of the delegation from De Kalb.

Joseph G. Baldwin, a Representative from the county of Sumter, appeared within the Hall of the House, was qualified, and took his seat.

Mr. Clemens, from the committee on the judiciary, to whom was referred the petition of J. R. C. Pool, reported that the Legislature had no power, under the Constitution, to grant the prayer of the petitioner.

Ordered, that the report lie on the table.

Mr. Clarke, from the committee on divorce and alimony, to whom was referred the bill to divorce John W. Jones from his wife Minerva Jones, reported the same back to the House, and recommended its passage.

The bill was read the third time forthwith and passed.

Ordered, that the Clerk inform the Senate, and ask its concurrence.

Mr. Norman, from the select committee, to whom was referred the bill to repeal a certain act therein named, and for other purposes, reported the same back to the House, and recommended its passage.

The bill was read the third time forthwith and passed.

On motion of Mr. Williams of H.,

Resolved, That the committee on the State Bank and Branches be instructed to enquire into the expediency of abolishing the office of President of each of the Branch Banks of this State; and that they report by bill or otherwise.

On motion of Mr. Spruill,

Resolved, That so much of the Governor's message as relates to the mode of assessing the tax on land, be referred to the committee on ways and means.

On motion of Mr. Steele,

Resolved, That the committee on the State Bank and Branches, be instructed to enquire into the expediency of authorizing, by law, the President and Directors of the respective Banks to erase and discharge from liability, the names and endorsers of all notes, bills and other papers, known by them to be utterly and hopelessly insolvent, or have been released under the Bankrupt law.

On motion of Mr. Clancey,

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House on Tuesday next, at twelve o'clock, for the purpose of electing a Judge of the county court of Walker county.

On motion of Mr. Banks,

Resolved, That the committee on education be instructed to enquire into the best mode of securing and preserving the University funds, with leave to report by bill or otherwise.

On motion of Mr. Aldridge,

Resolved, That the committee on the State Bank and Branches, be instructed to enquire into the expediency of winding up the affairs of the State Bank and Branches, on the following plan, to wit:

That all the available means of all the Branch Banks be transmitted to the State Bank; and that all the outstanding debts due or owing to the several Branch Banks, be transferred to the several counties where the debts are owing, to be entrusted into the hands of the Sheriff of each county, or some other suitable person in each county to be provided by law, whose duty it shall be to collect the debts owing to the said Banks for a given per cent on the money so collected; and that such agents be required to give bond with good and sufficient security for the faithful performance of their duties; and that they be required to make returns to the President of the State Bank at least semi-annually, of all the money collected by them, or such outstanding debts; and that said committee have leave to report by bill or otherwise.

Mr. Huntington offered the following resolution:

Resolved, That the committee on the the State Bank and Branches, be instructed to enquire into the expediency of altering the laws now in force requiring Cashiers to give bond in the sum of one hundred thousand dollars, and of reducing the penalty of such bonds to the sum of fifty thousand dollars: with leave to report by bill or otherwise; which was lost.

On motion of Mr. McMillion of B.,

Resolved, That the committee on roads, bridges and ferries, be instructed to enquire into the expediency of passing a law compelling the Clerks of the circuit and county courts, Sheriffs, Justices of the Peace, Constables, overseers of the roads, apportioners, &c. to work on the public roads, or furnish a substitute: with leave to report by bill or otherwise.

On motion of Mr. Clemens,

Resolved, That the Senate be now invited into the hall of the House, for the purpose of electing a Judge of the County Court of Franklin County, a Judge of the County Court of Fayette, a Judge of the County Court of Coosa, and a Judge of the County Court of Macon.

Whereupon, the Senate repaired to the Hall of the House, and when seated, the President announced the object for which the two Houses had assembled.

The two Houses first proceeded to the election of a Judge of the County Court of Franklin.

Mr. Hudson announced *Richard S. Watkins*—who alone being in nomination, and having received one hundred and nineteen votes, that being the whole number given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Franklin county, for the term prescribed by the constitution.

The two Houses next proceeded to the election of a Judge of the County Court of Fayette county.—The names of *B. W. Wilson* and *Walter Harkins*, being in nomination.

Those who voted for *Mr. Wilson*, are messrs. President, Arrington, Bishop, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Oliver, Phillips, Walker of B. Walker of L. Walthall, Ward, Watkins, Watrous, Wilson, Winston and Yancey of the Senate; messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Barker, Barron, Bryan, Caffey, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Davis of Bibb, Davis of L. Douglass, Drane, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Hefflin, Hendrix, Hill of Bibb, Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, Martin, McCartey, McGriff, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Moore of M. Morris, Morrisett, Mudd, Nall, Norman, Oliver, Owens, Portis, Reid, Rose, Sandidge, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Tate, Taylor, Troup, Walker, Williams of J. Winston and Witherspoon.—111.

Those who voted for *Mr. Harkins*, are messrs. Harris, Sykes, Webb and Williams of H.

Mr. B. W. Wilson, having received a majority of all the votes given, was declared by Mr. Speaker duly and constitutionally elected Judge of the County Court of Fayette County for the term prescribed by the constitution.

The two Houses proceeded next to the election of a Judge of the County Court of Macon County—the name of *Theodore W. Brevard*, being alone in nomination, and he having received all the votes cast, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Macon County, for the term prescribed by the constitution.

The two Houses next proceeded to the election of a Judge of the County Court of Coosa County.

Mr. Yancey, of the Senate, nominated *Reuben Hill*—Mr. Rose, of the House, nominated *Ebenezer Pond*.

Those who voted for *Mr. Hill*, are messrs. Arrington, Brindley, Burney, Dent, Dougherty, Fleming, Foster, Hardaway, Kelly, King, Marchbanks, McVay, Oliver, Phillips, Walker of B. Walker of L. Walthall, Ward, Watkins, Winston and Yancey, of the Senate; messrs. Speaker, Anderson, Barker, Bryan, Clemens, Douglass, Drane, Dunn, Fletcher, Hill of B. Holstein, Hubbard, Humphreys, Lankford, Martin, McCartey, McMillion of B. Mudd, Nall, Oliver, Snowden, Stringer, Sykes, Taylor, Troup, Walker and Winston—48.

Those who voted for *Mr. Pond*, are messrs. President, Bishop, Creagh, Hudson, McAlpin, McClanahan, Watrous and Wilson of the Senate; and messrs. Aldridge, Alexander, Allen, Baldwin, Banks, Barron, Caffey, Calloway, Clancey, Clarke, Cobb, Cook, Davis of B. Davis of L. Evans, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Hefflin, Hendrix, Hill of T. Howard, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, McGriff, McLemore, McLeod, McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Moore of M. Morrisett, Norman, Owens, Portis, Reid, Rose, Sandidge, Segar, Spruill, Steele, Storrs, Tate, Webb, Williams of H. Williams of J. and Witherspoon—57.

Mr. Pond having received a majority of all the votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Coosa County for the term prescribed by law.

The Senate then withdrew.

Mr. Sykes offered the following resolution:

Resolved, That the committee on ways and means be instructed to enquire whether any means have been provided to meet the interest falling due upon our State Bonds in eighteen hundred and forty-five, and if the requisite means have not been provided, that said committee report a plan to this house, making provision for the payment of such interest, either by bill or otherwise.

Mr. Hubbard moved to strike out all relating to instructions.

Mr. Cook moved to adjourn until Monday morning, ten o'clock; which was lost—yeas 22, nays 59.

YEAS—Messrs. Speaker, Alexander, Barker, Bryan, Clemens, Cook, Fletcher, Harris, Hill of B. Holstein, Hubbard, Jackson of B. Martin, McGriff, McLeod, Steele, Taylor, Williams of H. Williams of J. and Witherspoon.

NAYS—Messrs. Aldridge, Allen, Anderson, Baldwin, Banks, Caffey, Calloway, Campbell, Clancey, Clarke, Cobb, Davis of B. Davis of L. Douglass, Drane, Dunn, Evans, Franks, Frazier, Garrett, Griffin, Hale, Hefflin, Hendrix, Hill of T. Howard, Humphreys, Huntington, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McCarty, McLemore, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Mudd, Nall, Norman, Oliver, Owens, Portis, Reid, Rose, Sandidge, Segar, Snowden, Stringer, Storrs, Sykes, Tate, Troup, Walker, Webb and Winston.

The House refused to adjourn, and resumed the consideration of the resolution offered by Mr. Sykes, the question on Mr. Hubbard's motion to amend.

Mr. Evans moved to lay the resolution on the table; which was carried.

Mr. Jones of F. offered the following resolution:

Resolved, That the committee on the State Bank and Branches be and they are hereby instructed to enquire into the propriety of receiving the Bonds of the State of Alabama in payment of debts due said Bank and Branches, and report by bill or otherwise; which was withdrawn, leave being granted.

Mr. Hendrix called up the bill from the Senate to extend the time of

making returns by the tax collectors of this State. The bill was read the first time.

Mr. Martin moved to lay the bill on the table.

And the House adjourned until Monday morning, ten o'clock.

DECEMBER 11th, 1843.

The House met pursuant to adjournment.

Messrs. R. C. McAlpin, J. B. Todd, and J. W. Lang, of Mobile, B. L. Turner, of Washington, J. C. Whitsitt, and H. F. Scruggs, of Sumter, C. Jones of Conecuh, Charles Dear, of Wilcox, and W. H. Trawick, of Butler, appeared in the Hall of the House, were qualified, and took their seats.

Mr. Speaker laid before the House the report of the President of the Branch Bank at Mobile; which was referred to the committee on the State Bank and Branches.

Mr. Martin presented the petition of sundry citizens of Benton county, in relation to the sixteenth section fund; which was referred to the select committee on the sixteenth section fund.

Mr. Martin introduced a bill to regulate the change of venue in civil suits.

Mr. McLemore introduced a bill to incorporate the town of Lafayette, in Chambers county.

Mr. Hendrix introduced a bill to reduce the pay of witnesses, and for other purposes; which were severally read the first time, and ordered to a second reading.

Mr. Aldridge presented the petition of Abner Cornelius and others; which was referred to the committee on privileges and elections.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The following bills originated in and passed the Senate, to wit:

An act to amend an act incorporating the Centenary Institute of the Alabama Conference of the Methodist Episcopal church, in the county of Dallas;

And an act concerning the circuit courts of Dallas county.

Mr. Snowden introduced a bill to establish a certain election precinct in the county of Covington.

Mr. Winston introduced a bill to repeal in part an act exempting certain persons from working on public roads.

Mr. Webb introduced a bill to incorporate the Greensboro' cavalry company.

Mr. McGriff introduced a bill to legalize the sale of lots in the town of Columbia, in Henry county, and for other purposes.

Mr. Williams of H. introduced a bill to abolish certain election precincts therein named, and to establish others in lieu thereof.

Mr. Williams of H. introduced a bill to authorize a portion of the citizens of Henry county to form a beat or volunteer company with a less number than forty privates.

Mr. Williams of H. introduced a bill the more particularly to define the county line between Henry and Barbour counties.

Mr. Davis of L. introduced a bill to repeal in part the law regulating the circuit courts of this State.

Mr. Clemens introduced a bill to change the time of holding commissioners court of roads and revenue in Madison county.

Mr. McCartney introduced a bill to alter and amend the road laws as to the county of Marion.

Mr. Humphreys introduced a bill to declare and extend a remedy by supersedeas; which were severally read the first time, and ordered to a second reading.

Mr. Hale introduced a petition of sundry citizens of Greene county, praying not to be attached to Pickens; which was referred to the committee on county boundaries.

Mr. Barron presented a petition from the Intendant and Council of the town of Marion; which was referred to the committee on propositions and grievances.

Mr. Barron introduced a bill to amend the charter of the town of Marion, in Perry county; which was read the first time, and on motion of Mr. Barron, the rule was suspended, the bill read the second time, and referred to the committee on propositions and grievances.

Mr. Segar introduced a bill to provide a summary remedy to obtain possession of real estate sold by sheriffs in certain cases.

Mr. Miree introduced a bill to change the time of holding the circuit courts in the county of Perry; which were severally read the first time and ordered to a second reading.

Mr. Dear presented the petition of Ralph Garrett; which was referred to the committee on propositions and grievances.

Mr. Dear also presented the petition of John R. Armistead, and others; which was referred to a select committee, consisting of the delegations from Monroe and Wilcox.

Mr. Bridges introduced joint resolutions authorizing the investment of the two per cent. fund; which was read the first time and ordered to a second reading.

Mr. Bridges introduced a bill to authorize persons to bail their slaves when charged with criminal offences; which was read the first time and ordered to a second reading.

Mr. Clemens from the judiciary committee, to whom was referred so much of the Governor's message as relates to election returns, reported that further legislation upon the subject was unnecessary.

The report was concurred in.

Mr. Clemens from the same committee, to whom was referred so much of the Governor's message as relates to sheriffs' and jailers' fees, reported that further legislation upon the subject was unnecessary and inexpedient.

Ordered, that the report lie on the table.

Mr. Cook from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Franklin county,

in relation to the fees charged by physicians, reported that it is inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Cook from the committee on propositions and grievances, to which was referred a bill for the relief of the Methodist Episcopal Church at Mountain Spring Camp Ground, in Jackson county, reported the same back to the House with an amendment; which was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Cook from the same committee, to whom was referred the petition of sundry citizens of Madison county, in relation to Joseph Cowan, and also, a petition of sundry citizens of Franklin, in relation to a certain free man of said county, reported that it was inexpedient to legislate on the subject.

Ordered, that the report be laid on the table.

Mr. Winston of De Kalb, from the select committee, to which was referred the petition of Abraham Horton, reported that there is now a bill in progress in accordance with the prayer of the petitioner.

The report was laid on the table.

The House resumed the consideration of a bill from the Senate to extend the time of making returns to the tax collectors of the several counties of this State.

The question pending on Mr. Martin's motion to lay on the table.

The bill was laid on the table.

On motion of Mr. Storrs,

Resolved, That the House do now go into the election of a committee to act jointly with such committee as may be chosen on the part of the Senate, to examine the condition of the State Bank.

The House elected Messrs. Walker, Lang, and Martin, a committee on the part of the House.

Ordered, that the Clerk inform the Senate.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—I have the honor to inform the House of Representatives of the concurrence of the Senate in the resolution of the House, proposing to elect a Judge of the county court of Walker county, on twelve, M. to-morrow.

On motion of Mr. Barker,

Resolved, That the committee on ways and means, be instructed to inquire into, and report the expediency of so amending the revenue laws of this State, as that all property subject to taxation shall be assessed and taxed equally according to the valuation thereof, and that they also further enquire as to the expediency of so amending said revenue laws as to require the tax of merchandise to be assessed and collected on the amount of the invoice cost of merchandise introduced into any county in this State, whether the same be sold or not, and not upon the amount of the actual sales of said merchandise as heretofore, and that they report by bill or otherwise.

The bill from the Senate to change the time of holding the county court of Sumter county, was read the first time, and on motion of Mr.

Scruggs, the bill was read the second forthwith, and referred to the delegation from Sumter.

A message from the Governor, by Mr. Garrett, Secretary of State:

EXECUTIVE DEPARTMENT, }
TUSCALOOSA, DEC. 4TH, 1843. }

Sir—By resolution of the Board of Trustees of the University of Alabama, I am instructed to make known to the House of Representatives, that the office of Trustee of the sixth judicial circuit has become vacated by the death of the Honorable Isaac H. Erwin.

[Signed,]

BENJ. FITZPATRICK.

To the Honorable A. B. Moore, Speaker of the House of the Representatives.

The bill from the Senate, concerning the circuit courts of Dallas county, was read the first time and ordered to a second reading.

The bill from the Senate, to amend an act incorporating the Centenary Institute of the Alabama Annual Conference of the Methodist Episcopal Church, in the county of Dallas, was read the first time, and on motion of Mr. Mitchell, the rule was suspended, the bill read a second time forthwith, and referred to a select committee.

The amendments of the Senate to the joint resolutions of the Senate and House of Representatives of the State of Alabama, upon the subject of postage, were concurred in.

Ordered, that the Clerk inform the Senate.

On motion of Mr. Hefflin,

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House of Representatives, on Tuesday the twelfth instant, at twelve o'clock, for the purpose of electing a Judge of the county court of Randolph county.

Mr. Taylor offered the following resolution:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the only true measure of political power guarantied to the States of this Union by the Constitution of the United States, touching their federal representation in the enumeration of the whole number of free persons in each State, including those bound to service for a term of years, and excluding Indians not taxed, and three-fifths of all other persons.

2. *Be it further resolved*, That in the organization of Congressional districts in a particular State, in view of furnishing her federal representation under the district system, equality of political power among the several districts, should be the governing principle, and the adoption of any other rule or basis giving more political power to one district than to another, is manifestly unequal and unjust, and in violation of the representative principle of the federal government as fixed by the Constitution thereof.

3. *Be it further resolved*, That the federal representatives of this Union derived their power, and are based on persons numbered and

not in territory; that those individuals are the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons; therefore, in the formation of Congressional districts, and in the computation of political power due to each, to discard one of the elements of federal representation admits the right to disregard another or all; and the assertion of such right on the part of a State, is of mischievous tendency and highly dangerous in its character, destructive of a representative principle dear to the southern States, and in violation of the Constitution of the Union.

4. *Resolved further*, That the Congressional representation of this Union is not federal, but national in its character, viz: The representatives under the district system, must spring directly from their respective basis or numbers entitled to be represented; and the doctrine which accords to a State the power in providing her federal representation of exercising the wild discretion of wholly disregarding this beautiful and cherished feature of this government, well merits the universal condemnation of the friends of civil liberty.

5. *Be it further resolved*, That the resolution adopted at the last session of the General Assembly of this State, avering that the Congressional districts in this State, be formed on what was termed the "White Basis," does not meet the approbation of this body, and that the same is hereby rescinded.

6. *Be it further resolved*, That the Governor is hereby required to transmit a copy of the foregoing resolution to the Governors of each of the States of this Union, with a request that they be laid before their respective Legislatures, and that our Senators and Representatives in Congress, be also furnished with a copy of the same.

Mr. McLemore moved that the resolutions be postponed until Monday next, and that they be made the special order for twelve o'clock of that day.

Mr. Hubbard called for a division of the question; which was first taken on postponing, and carried.

The question then recurred on making the resolutions the special order, and carried.

On motion of Mr. Clarke,

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House on Thursday next, at twelve o'clock, for the purpose of electing a Judge of the county court of Talladega county.

The House then took up the orders of the day.

The engrossed bill concerning the county taxes of Monroe county:

The engrossed bill to change the time of holding the winter term of the county court, in and for the county of Greene.

The engrossed bill to change the name of a certain person therein named; and

The engrossed bill in aid of the county Treasury of Russell county, were severally read the third time and passed,

The bill for the relief of Basil Gardner, was read the second time and referred to the delegation from Lowndes and Dallas.

The bill for the support of paupers in the county of Butler, was read a second time and ordered to be engrossed.

The bill to restore to citizenship James Patterson, in the county of Franklin, was read the second time and referred to the committee on propositions and grievances.

The bill to allow the first and second battalions in the ninety-first regiment, Alabama militia, to hold courts martial with a less number of officers than now required by law, and for other purposes, was read the second time and referred to the committee on the military.

The bill concerning the estate of deceased persons, was read the second time and referred to the committee on the judiciary.

The bill to abolish and establish certain election precincts therein named, was read the second time and referred to the committee on privileges and elections.

The bill to compensate tales jurors in the county of St. Clair, was read the second time and ordered to be engrossed for a third reading.

The bill to authorize the levy of a special tax to build a court-house in the county of St. Clair, was read a second time and ordered to be engrossed for a third reading.

The bill providing for the incorporating of Academies, was read a second time and referred to the committee on the judiciary.

The bill to compensate the commissioners of roads and revenue in Russell county, was read a second time, and ordered to be engrossed for a third reading.

The bill to amend an act, entitled an act to abolish imprisonment for debt, was read a second time, and referred to the committee on the judiciary.

The bill to regulate the time of holding the circuit courts of Pickens and Sumter counties, was read a second time.

On motion of Mr. Baldwin, was referred to a select committee consisting of the delegations from Pickens and Sumter.

The bill to restrain the jurisdiction of the county courts; and the bill to change the names of certain persons therein named, were severally read the second time and referred to the Judiciary committee.

The bill to abolish an election precinct in Dallas county, was read the second time, and referred to the committee on privileges and elections.

The bill to regulate the working of public roads in Baldwin county, in certain cases, was read the second time, and ordered to be engrossed for a third reading.

The bill for the protection of Sheriffs and Coroners; and

The bill to regulate the issuance of executions upon forthcoming bonds,

Were severally read the second time and referred to the committee on the judiciary.

The bill to compensate certain officers therein named, was read the second time and ordered to be engrossed for a third reading.

The bill for the security of Sheriffs in certain cases; and

The bill authorizing the sales by executors and administrators in certain cases; were severally read the second time and referred to the committee on the judiciary.

The bill extending to the county of St. Clair the provisions of a certain act therein named, was read the second time and ordered to be engrossed for a third reading.

The bill to amend the law in relation to election returns, was read the second time and referred to the committee on privileges and elections.

The bill for the relief of Sarah Ann Black, of Wilcox county, was read the second time; and

Mr. Winston moved to refer the bill to the committee on the judiciary, with instructions to report a general bill.

A division of the question being called, it was first taken on referring the bill, and lost.

The bill was then ordered to be engrossed for a third reading.

The bill to amend the statute of limitations, was read the second time and referred to the committee on the judiciary.

The bill to amend the act, entitled an act to prevent the sacrifice of real estate, was read the second time, and referred to the committee on the judiciary.

Mr. Speaker laid before the House a communication from John Mar-
rast, President of the State Bank, showing the amount of money paid
to attorneys for collecting bad and doubtful debts, &c ; which was read
and laid on the table.

Mr. Speaker laid before the House the Comptroller's annual report.

Ordered, that the report be laid on the table; and that one hundred
and thirty-three copies be ordered to be printed.

Mr. Speaker also laid before the House two records of divorce; which
was referred to the committee on divorce and alimony.

The bill to provide for the assessment and collecting of taxes, was read
the second time and referred to the committee on ways and means.

The bill to authorize the Sheriff of Walker to do Constable business,
was read the second time and referred to the committee on the judiciary.

The bill to require tax collectors to receive all county claims in pay-
ment of taxes, was read a second time and referred to the committee on
ways and means.

The bill in relation to civil process; and the bill to repeal an act, enti-
tled an act to prevent the sacrifice of real estate; were severally read the
second time and referred to the committee on the judiciary.

The bill to regulate the taking of testimony by commission, was also
read the second time and referred to the committee on the judiciary.

The bill to abolish a certain election precinct in the county of Marion,
and to establish another in lieu thereof, was read the second time and
referred to the committee on privileges and elections.

The bill to establish a certain election precinct therein named, and
for other purposes, was read the second time and referred to the commit-
tee on privileges and elections.

The bill to provide a summary remedy for the recovery of stolen pro-
perty, was read the second time and referred to the committee on the ju-
diciary.

The bill to abolish the punishment of death upon free white persons in the State of Alabama, was read the second time, and referred to the committee on the judiciary.

The bill to reduce the fees of jurors and witnesses in the county of Tallapoosa, was read the second time, and ordered to be engrossed for a third reading.

The bill to abolish certain election precincts and for other purposes, was read the second time, and referred to the committee on privileges and elections.

The bill for the relief of Benjamin Magonisk, was read the second time, and ordered to be engrossed for a third reading.

The bill the better to secure the performance of duty on the part of the commissioners of the sixteenth section, was read the second time, and referred to the committee on education.

The bill to compensate talesmen, was read the second time and laid on the table.

The bill to incorporate the Jackson County Guards, was read the second time, and referred to the committee on the military.

The bill to repeal an act therein named, was read the second time and referred to the committee on internal improvements.

The bill to repeal in part an act entitled an act to amend the laws now in force in relation to insolvent estates, was read the second time, and referred to the committee on the judiciary.

The bill to levy a special tax in the county of Marion, was read the second time, and ordered to be engrossed for a third reading.

The bill to provide compensation for the killing of wolves was read the second time, and ordered to be engrossed.

The bill for the relief of Milly Sample, was read the second time, and referred to the committee on the judiciary.

On motion of Mr. Moore of M. the petition of the citizens of township one, range two east of the Basis Meridian of Huntsville, was taken from the table, and referred to the select committee on the sixteenth section fund.

On motion of Mr. Sandidge, the petition of Thomas McCrary and others was taken from the table, and referred to the same committee.

Mr. Spruill moved to take from the table the resolution offered by himself, on Wednesday last, in relation to the State tax, which was carried.

Mr. Evans moved to amend as follows, to wit:

Strike out all after the word "*Resolved*," and insert:

"That the committee on ways and means be instructed to report to this house the amount of revenue which will accrue to the State from the revenue laws now in force, and what has been the current expenses of the State for the present year.

Mr. Davis of L. moved to amend the amendment by inserting after the word "State," the words "from each county;" the amendment to the amendment was adopted.

The amendment as amended was adopted, and the resolution as amended was adopted.

Mr. Martin notified the House that he would move to amend the rules of the House as follows:

"No bill proposing to alter, establish, or abolish election precinct all be in order, except it be proposed by the committee on privileges and elections, but members wishing the action of the House on the subject of election precincts shall submit their propositions to the chairman of such committee, which committee shall report all changes or creations of election precincts that may be deemed advisable, in a general bill or bills, to be prepared for the purpose;" which lies over one day.

The House then adjourned until to-morrow at ten o'clock.

DECEMBER 12th, 1843.

The House met pursuant to adjournment.

Mr. McMillion of B. from the committee on enrolled bills, reported as correctly enrolled

The act to divorce John W. Jones from his wife Minerva Jones.

Mr. Speaker laid before the House a report from the Branch Bank at Montgomery; which was referred to the committee on the State Bank and Branches.

Mr. Jackson of B. presented the petition of John M. Bloodworth, of Barbour county; which was referred to the committee on propositions and grievances.

Mr. Jackson of B. introduced a bill incorporating the town of Clayton, in Barbour county; which was read the first time, and ordered to a second reading.

Mr. Jackson of B. introduced a bill to establish a Medical Board at Eufaula, in the county of Barbour; which was read the first time, and ordered to a second reading.

Mr. Allen presented the petition from Benton county, in relation to brigade drills; which was referred to the committee on the military.

Mr. Allen also presented a petition from the commissioners of roads and revenue, in Benton county; which was referred to a select committee consisting of the delegation from Benton.

Mr. McMillion of B. introduced a bill to establish a certain election precinct therein named; which was read the first time, and ordered to a second reading.

Mr. Howard presented the petition of sundry citizens of Conecuh county, in relation to the judgeship of the county court of said county; which was laid on the table.

Mr. Snowden introduced a bill for the relief of Stephen Cobb, tax collector of Covington county; which was read the first time, and ordered to a second reading.

Mr. Snowden introduced a bill to declare Patsaliga river a public highway; which was read the first time, and ordered to a second reading.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The accompanying bills, which originated in, and passed the House, has also passed the Senate, to wit:

An act to alter the time of holding the county court of Morgan county:
And an act to divorce John W. Jones from his wife Minerva Jones.

The Senate concurs in the resolution of the House in relation to the election of Judges of the county courts of Randolph and Talladega counties.

Mr. Evans introduced a bill to secure the rights of creditors in certain cases.

Mr. Evans also introduced a bill to authorize the election of a justice of the peace for the town of Warrenton.

Mr. Harris introduced a bill to prevent sheriffs and other officers from buying county claims; which were severally read the first time, and ordered to a second reading.

Mr. Webb presented the petition of sundry citizens of Greene county, praying to be attached to the county of Perry; which was referred to the committee on county boundaries.

Mr. Hale introduced a bill to amend an act entitled an act to amend the laws now in force in relation to insolvent estates.

Mr. Barker introduced a bill to regulate the advertisement of Sheriffs and coroners, and to prevent the sacrifice of property; which were severally read the first time, and ordered to a second reading.

Mr. Davis of L. introduced a bill to amend an act approved twenty-seventh February, eighteen hundred and forty-three, was read the first time, and on motion of **Mr. Tate**, the rule was suspended, the bill read a second time forthwith, and referred to the committee on Education.

Mr. Todd presented the petition of Ferman Trevise, a free man of color of the city of Mobile; which was referred to the committee on propositions and grievances.

Mr. R. T. Johnston introduced a bill to secure navigation on the Alabama and Tombigby rivers; which was read the first time, and ordered to a second reading.

Mr. McLeod presented the petition of P. Loet and others; which was referred to a select committee, consisting of the delegations from Pike and Montgomery.

Mr. Scruggs presented the petition of Solomon Smith, and also the petition of Darling Scale; which were referred to the committee on the sixteenth section.

Mr. Scruggs introduced a joint resolution for the relief of Isaac Swan, tax collector of Sumter county; which was read the first time, and ordered to a second reading.

Mr. Baldwin introduced a bill relating to judicial proceedings.

Mr. Baldwin also introduced a bill to provide a more easy and speedy remedy against clerks of the circuit and county courts on their official bonds; which were severally read the first time, and ordered to a second reading.

Mr. Dear introduced a bill concerning executors and administrators.

Mr. Dear also introduced a bill to incorporate the Planters' mercantile

company, at Prairie Bluff, in the county of Wilcox; which were severally read the first time, and ordered to a second reading.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has adopted the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two houses will assemble in the Hall of the House on Thursday, the fourteenth inst. at twelve o'clock, for the purpose of electing a Trustee for the sixth judicial circuit, to fill the vacancy occasioned by the death of the Honorable Isaac H. Erwin.

Mr. Speaker laid before the House a communication from H. P. Douthitt, Esq. secretary of the board of Trustees, inviting the members of the House to attend the exercises at the University on to-morrow; which was read and laid on the table.

Thereupon, Mr. Banks offered the following resolution, to wit:

Resolved, That when the House adjourns to-day, it will stand adjourned over until Thursday morning, at ten o'clock, for the purpose of allowing the members an opportunity of attending the commencement exercises at the University; which was adopted.

Mr. Bridges from the committee of ways and means, to whom was referred the bill to authorize the sale of Reports of the Supreme court, reported the same back to the House, and recommended its passage.

Mr. Barron moved to amend the bill by striking out "three" where it occurs before the word "dollars," for the purpose of inserting "four and a half."

Mr. Huntington moved to strike out "three" and insert "five."

Mr. Martin moved to amend as follows:

"And be it further enacted, That hereafter there shall not be over one hundred copies of each volume of the decisions of the Supreme court published."

On motion of Mr. Bridges, the consideration of the bill and amendments were suspended, and

Mr. Bridges offered the following resolution:

Resolved, That in the opinion of this House, it would be inexpedient to sell the real estate belonging to the Branch Bank at Mobile, as proposed, on the eighteenth inst. and that his Excellency the Governor be and he is hereby requested to postpone the sale of the same to some day not earlier than the first day of March next; which was adopted.

On motion of Mr. R. T. Johnston,

Resolved, That the Senate be now invited into the Hall of the House for the purpose of electing Judges of the county courts of Pickens, Lawrence, Walker and Randolph counties.

The Senate repaired to the Hall of the House.

The two Houses proceeded first to the election of a Judge of the County Court of Pickens County.

The names of *Lemuel A. Gilkey* and *Z. L. Nabors*, being in nomination,

Those who voted for *Mr. Gilkey*, are messrs. Arrington, Creagh, Dent, Dougherty, Hardaway, Hudson, King, McAlpin, Oliver, Phillips, Ross, Walker of B. Walker of L. Walthall, Ward, Watkins and Yancey

of the Senate; and messrs. Allen, Anderson, Baldwin, Banks, Barker, Barron, Campbell, Clemens, Cook, Davis of B. Dear, Drane, Dunn, Fletcher, Hale Hefflin, Howard, Humphreys, Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, McAlpin, McGriff, McLemore, McMillion of J. Mitchell, Moore of m. Morris, Morrisett, Nall, Oliver, Scruggs, Segar, Snowden, Spruill, Stringer, Storrs, Sykes, Trawick, Turner, Walker, Webb, Williams of H. Williams of J. Winston and Witherspoon of the House—63.

Those who voted for *Mr. Nabors*, are messrs. President, Bishop, Brindley, Burney, Fleming, Foster, Kelley, Marchbanks, McClanahan, Toulmin, Watrous, Wilson and Winston of the Senate; and messrs. Speaker, Aldridge, Alexander, Bridges, Bryan, Caffey, Calloway, Clarke, Cobb, Davis of L. Douglass, Evans, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Huntington, Jackson of A. Lang, Lankford, Martin, McCarty, McLeod, McMillion of B. Meriwether, Miree, Moore of B. Mudd, Norman, Owens, Portis, Reid, Sandidge, Steele, Tate, Taylor, Todd, Troup, Whitsett and Williams of J. of the House.—60.

Mr. Gilkey having received a majority of all the votes given, *Mr. Speaker* declared him duly and constitutionally elected Judge of the County Court of Pickens county, for the term prescribed by the constitution.

The two Houses next proceeded to elect a Judge of the County Court of Lawrence county.

The names of *Wiley Galloway* and *Richard O. Pickett* being in nomination.

Those who voted for *Mr. Galloway*, are messrs. Bishop, Brindley, Creagh, Fleming, Foster, Hudson, King, Marchbanks, McClanahan, Toulmin, Walker of L. Walthall, Ward, Watkins, Wilson and Winston of the Senate; messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Caffey, Calloway, Clarke, Cobb, Fletcher, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Huntington, Lankford, Martin, McCarty, McMillion of B. McMillion of J. Meriwether, Miree, Morris, Norman, Portis, Reid, Rose, Sandidge, Steele, Stringer, Troup, Turner, Walker, Whitsett and Winston of the House of Representatives.

Those who voted for *Mr. Pickett*, are messrs. President, Arrington, Burney, Dent, Dougherty, Hardaway, Kelly, McAlpin, Oliver, Phillips, Ross, Walker of B. Watrous and Yancey of the Senate; and messrs. Anderson, Baldwin, Banks, Barron, Bryan, Campbell, Clemens, Cook, Davis of B. Davis of L. Dear, Douglass, Drane, Dunn, Evans, Franks, Frazier, Hale, Hill of B. Howard, Humphreys, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, McAlpin, McLemore, McLeod, Mitchell, Moore of B. Moore of m. Morrisett, Mudd, Nall, Oliver, Owens, Scruggs, Segar, Snowden, Spruill, Storrs, Sykes, Tate, Taylor, Todd, Trawick, Webb, Williams of H. Williams of J. and Witherspoon of the House—66.

Mr. Pickett having received a majority of all the votes given, was declared by *Mr. Speaker* duly and constitutionally elected Judge of the

County Court of Lawrence County, for the term prescribed by the constitution.

The two Houses next proceeded to elect a Judge of the County Court of Walker County.

The name of *Wade B. Taylor* being alone in nomination, and he having received all the votes given, (one hundred and twenty) was declared by Mr. Speaker duly elected Judge of the County Court of Walker county, for the term prescribed by the constitution.

The two Houses next proceeded to elect a Judge of the County Court of Randolph County.

The names of *Jefferson Faulkner* and *Andrew J. Hamilton* being in nomination.

Those who voted for *Mr. Faulkner*, are messrs. President, Bishop, Brindley, Creagh, Foster, Hudson, Marchbanks, Toulmin, Walker of B. Walthall and Watrous of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Bryan, Caffey, Calloway, Clarke, Cobb, Davis of L. Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McGriff, McLeod, McMillion of B. Meriwether, Miree, Moore of mad. Morris, Owens, Portis, Reid, Rose, Steele, Stringer, Tate, Taylor, Todd, Trawick, Troup, Whitsett and Winston of the House—66.

Those who voted for *Mr. Hamilton*, are messrs. Arrington, Burney, Dent, Dougherty, Fleming, Hardaway, Kelly, King, McAlpin, McClanahan, Oliver, Phillips, Ross, Walker of L. Ward, Watkins, Wilson, Winston and Yancey of the Senate; and messrs. Anderson, Baldwin, Banks, Barker, Barron, Campbell, Clemens, Cook, Davis of B. Dear, Drane, Douglass, Dunn, Hale, Howard, Jackson of B. McAlpin, McCarty, McLemore, McMillion of J. Mitchell, Morrisett, Mudd, Nall, Norman, Oliver, Sandidge, Scruggs, Segar, Snowden, Spruill, Storrs, Sykes, Turner, Walker, Webb, Williams of H. Williams of J. and Witherspoon of the House—60.

Mr. Faulkner having received a majority of the votes given, was declared by Mr. Speaker duly and constitutionally elected Judge of the County Court of Randolph County, for the term prescribed by the constitution.

The Senate then withdrew.

Mr. Speaker laid before the the House a communication from J. C. Van Dyke, Comptroller, as follows:

Honorable A. B. Moore,

To the Speaker of the House of Representatives:

Sir—I hand you the accounts and claims of the following persons, which you will please lay before the General Assembly.

[Signed,]

J. C. VAN DYKE.

Calvin J. Gully, Wm. P. Carolan, Wade S. Hampton, Daniel Childs, Wm. J. Ryan, Joseph Abel, J. H. and A. Rutherford, R. J. Inge, A. J.

Taylor, P. B. Waters, Vincent M. Benham, B. P. Morrison, Samuel Burnett, M. M. Benham, John D. Caldwell, Richard McGriff, H. M. Harvey, Thomas S. Harvey, John W. Wadford, Thomas J. Frow, and John A. Hancock; which were referred to the committee on accounts.

On motion of Mr. Portis,

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House on Thursday, the fourteenth day of December, for the purpose of electing a Judge of the county court of Conecuh county.

The engrossed bill to compensate tales jurors in the county of St. Clair.

The engrossed bill for the relief of Benjamin Magonisk.

The engrossed bill to compensate certain officers therein named.

The engrossed bill to authorize the levy of a special tax in the county of Marion.

Engrossed bill to compensate the commissioners of roads and revenue in Russell county.

Engrossed bill to authorize the levy of a special tax to build a court house in the county of St. Clair.

The engrossed bill for the relief of the Methodist Episcopal Church at Mountain Spring Camp Ground, in Jackson county.

And, the engrossed bill to regulate the working of roads in Baldwin county in certain cases; were severally read the third time and passed.

Ordered, that the Clerk inform the Senate and ask its concurrence.

The engrossed bill to provide compensation for the killing of wolves, was read the third time, and Mr. Aldridge moved to amend by way of engrossed rider, as follows:

“ Provided, The provisions of this bill shall not extend to the counties of Blount, Talladega, Benton, and Limestone;” which was lost.

Mr. Davis of L. moved to postpone the bill indefinitely; which was lost—yeas 38, nays 49.

YEAS—Messrs. Aldridge, Alexander, Allen, Anderson, Barron, Caffey, Calloway, Cobb, Clarke, Cook, Davis of B. Davis of L. Dear, Douglass, Fletcher, Franks, Frazier, Hale, Hancock, Hill of B. Hill of T. Holstein, Jackson of A. McAlpin, McGriff, McMillion of B. McMillion of J. Mirree, Mitchell, Norman, Oliver, Reid, Segar, Spruill, Snowden, Storrs, Todd, and Williams of H.

NAYS—Messrs. Baldwin, Banks, Barker, Bridges, Bryan, Campbell, Drane, Dunn, Evans, Garrett, Griffin, Hefflin, Hendrix, Howard, Hubbard, Humphreys, Huntington, Jackson of B. Jones of F., R. T. Johnston, Lang, Lankford, Martin, McCartey, McLemore, McLeod, Meriwether, Moore of M. Morris, Mudd, Nall, Portis, Rose, Sandidge, Scruggs, Steele, Stringer, Sykes, Taylor, Trawick, Troup, Turner, Walker, Webb, Whitsett, Williams of J. Winston, and Witherspoon.

Mr. Frazier offered the following amendment, to wit:

Provided, The provisions of the bill shall apply only to the county of Lawrence.

Mr. Barker moved to lay the amendment on the table; which was carried, and the bill passed.

Ordered, that the same be sent to the Senate for its concurrence.

And then the House adjourned.

DECEMBER 14TH, 1843.

The House met pursuant to adjournment.

R. S. Hatcher a representative from the county of Dallas, appeared within the Hall of the House, was qualified and took his seat.

Mr. Jackson of B. introduced a bill to authorize the employment of teachers by the commissioners of sixteenth sections.

Mr. Moore of B. introduced a bill to repeal in part an act therein named.

Mr. Morrisett moved to suspend the rule and give the bill its second reading forthwith; which was carried, and on motion of Mr. Winston, the bill was referred to the committee on ways and means.

A message was received from the Governor, by Mr. Harrison, his private Secretary, as follows:

EXECUTIVE DEPARTMENT, }
DECEMBER 14th, 1843. }

To the Speaker of the House of Representatives:

Sir—I have the honor to lay before the House of Representatives joint resolutions of the General Assembly of New Jersey, on the subject of repudiation.

Of the State of Connecticut, in relation to the tariff.

Of the State of South Carolina, on the same subject.

Of the State of Maine, in relation to the fine imposed on General Andrew Jackson

Of the State of Illinois, on the same subject.

Of Massachusetts, concerning an amendment of the Constitution of the United States:

The same, against the annexation of Texas to the United States.

Of the State of Georgia, in relation to resolves of the State of Massachusetts, against the imprisonment of free negroes.

Of the State of Maine, in relation to the imprisonment of the citizens of that State in other States.

Also, resolutions, and a declaration adopted unanimously by a convention of delegates from the States and Territories of the West and South-West, held in the City of Cincinnati, on the third, fourth, and fifth days of July, one thousand eight hundred and forty-three.

All of which is respectfully submitted.

[Signed,]

BENJ. FITZPATRICK.

Mr. Davis of B. introduced a bill in relation to the sixteenth section fund in the county of Bibb; which was read the first time and ordered to a second reading.

Mr. Portis introduced a bill for the relief of James Burroughs; which was read the first time, rule suspended, read the second time forthwith, and referred to the select committee on the sixteenth section fund.

Mr. Evans introduced a bill to change the time of holding the county court of Dallas, and for other purposes.

Mr. Evans introduced a bill for the better maintenance of the poor in Dallas county.

Mr. Webb introduced a bill for the payment of certain claims against the several counties of this State.

Mr. Fletcher introduced a bill in relation to guardians' bonds; which were severally read the first time and ordered to a second reading.

Mr. Dunn introduced a bill authorizing the filing of bills in chancery in certain cases; which was read the first time, and on motion of Mr. Martin, the bill was read the second time forthwith, and referred to the committee on the Judiciary.

Mr. Caffey introduced a bill for the relief of Margery Brame.

Mr. Stringer introduced a bill to change the time of holding the county court of Pike county.

Mr. Segar introduced a bill to authorize the commissioners of roads and revenue, together with the county Judge, to erect toll gates, bridges, and ferries, and levy a tax for county purposes.

Mr. Segar introduced a bill the more effectually to suppress the evil practice of gambling.

Mr. Scruggs introduced a bill to provide for the sale of equitable estates in lands under execution at law.

Mr. Scruggs also introduced a bill to require the clerks of the different courts of Sumter county, to make and keep a reversed index of the several books of their office.

Mr. Baldwin introduced a bill relating to garnishments; which was read the first time and ordered to a second reading.

Mr. Turner introduced a petition of sundry citizens of Washington county, praying the passage of a law authorizing Joseph Guynes to peddle without license; which was referred to the committee on propositions and grievances.

Mr. Dear introduced a bill to fix and regulate the time of pleadings in the several circuit and county courts of this State.

Mr. Hefflin introduced a bill to alter and amend the patrol law now in force in the county of Randolph; which were severally read the first time and ordered to a second reading.

Mr. Speaker laid before the House a report from the Branch Bank at Mobile; which was referred to the committee on the State Bank and Branches.

The House resumed the consideration of the bill authorizing the sale of the reports of the Supreme court.

The question pending on Mr. Huntington's motion to strike out "three," and insert "five."

A division of the question was called, and it was first taken on striking out, and carried—yeas 86, nays 6.

YEAS—Messrs. Speaker, Aldridge, Alexander, Allen, Baldwin, Banks, Barker, Barron, Bridges, Bryan, Caffey, Calloway, Campbell, Clancey, Clarke, Cobb, Davis of B. Davis of L. Dear, Drane, Dunn, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Hatcher, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McCartney, McLe-more, McLeod, McMillion of B. McMillion of J. Meriwhether, Miree, Mitchell, Moore of M. Morris, Morrisett, Mudd, Nall, Norman, Oliver, Portis, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Spruill, Stèele, Stringer, Storrs, Sykes, Tate, Taylor, Todd, Trawick, Troup, Walker, Webb, Whitsett, Williams of H. Williams of J. Winston, and Wither-spoon.

NAYS—Messrs. Anderson, Cook, Douglass, Humphreys, McAlpin, and McGriff.

The word “three” was struck out.

Mr. Humphreys moved to fill the blank with the word “six;” which was lost.

The question recurred on filling the blank with the word “five,” and carried.

Mr. Martin moved to refer the bill to the committee on the judiciary; which was lost.

The bill was then ordered to be engrossed for a third reading.

Mr. Dear, from the committee on propositions and grievances, to whom was referred a bill to amend the charter of the town of Marion, in Perry county, reported the same back to the House without amend-ment, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Dear, from the same committee, to whom was referred the petition of the Greensborough Guards, reported the same back to the House, and reported that it would be inexpedient and improper to pass the law asked for by the petitioners.

On motion of Mr. Webb, the report was laid on the table.

Mr. Norman, from the committee on education, to whom was refer-red the petition of sundry citizens of township one, range six, in Lime-stone county, reported that the request of the petitioners is unreasonable and dangerous to the security of the sixteenth section fund, and ought not to be granted.

On motion of Mr. Davis of L., the report was ordered to be laid on the table.

A message was received from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate concurs in the resolution of the House, pro-posing to elect a Judge of the county court of Talladega county this day at twelve o'clock, M.

Mr. Griffin, from the committee on county boundaries, to whom was re-ferred the bill to repeal an act entitled an act to attach part of the county of

Pickens to the county of Greene, reported that it was inexpedient to pass said bill.

Mr. Spruill moved to lay the report on the table; which was lost.

The question then recurred on concurring in the report of the committee.

Mr. Clarke moved to suspend the further consideration of the bill and report; which was carried.

Mr. Clarke then offered the following resolution:

Resolved, That the Senate be now invited into the Hall of the House, for the purpose of electing Judges for the county courts of Dallas, Conecuh and Talladega counties.

Which was adopted.

The Senate repaired to the Hall of the House.

The two Houses proceeded first to elect a Judge of the County Court of Dallas.

The names of *William E. Bird* and *Addison J. Saffold* being in nomination.

Those who voted for *Mr. Bird*, are messrs. President, Arrington, Brindley, Foster, King, Marchbanks, McAlpin, McVay, Moores, Phillips, Walker of L. Walthall, Wilson, and Yancey of the Senate; and messrs. Speaker, Barker, Barron, Bridges, Campbell, Clancey, Clarke, Cook, Douglass, Evans, Franks, Garrett, Griffin, Hatcher, Hendrix, Hill of B. Howard, Humphreys, J. D. Johnson, R. T. Johnston, Lang, Lankford, McAlpin, Moore of B. Mudd, Owens, Sandidge, Steele, Tate, Troup, Turner, Walker, Williams of H. Winston and Witherspoon of the House—49.

Those who voted for *Mr. Saffold*, are messrs. Bishop, Burney, Creagh, Dent, Dougherty, Fleming, Hardaway, Hudson, Kelly, McCianahan, Oliver, Ross, Toulmin, Walker, Ward, Watrous, Watkins and Winston of the Senate; and messrs. Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Bryan, Caffey, Calloway, Cobb, Davis of B. Davis of L. Dear, Drane, Dunn, Fletcher, Frazier, Hale, Hancock, Harris, Hefflin, Hill of T. Holstein, Hubbard, Huntington, Jackson of A. Jackson of B. Jones of F. Martin, McCarty, McGriff, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris, Morrisett, Nall, Norman, Oliver, Portis, Reid, Rose, Scruggs, Segar, Snowden, Spruill, Stringer, Storrs, Taylor, Todd, Trawick, Webb, Whitsett and Williams of J. of the House—77.

Mr. Saffold having received a majority of all the votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Dallas County, for the constitutional term.

The two Houses next proceeded to ballot for a Judge of the County Court of Conecuh County.

The names of *B. J. Goodloe* and *Augustus Jones* being in nomination.

Those who voted for *Mr. Goodloe*, are messrs. Arrington, Bishop, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McVay, Ross, Walker of L. Walthall, Ward and Winston of the Senate; and messrs. Speaker, Al-

dridge, Alexander, Allen, Anderson, Baldwin, Banks, Barron, Calloway, Clancey, Clarke, Cobb, Cook, Davis of B. Dear, Douglass, Drane, Dunn, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Hatcher, Hefflin, Hendrix, Hill of B. Hill of T. Hubbard, Humphreys, Huntington, J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McCartney, McGriff, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Moore of B. Moore of M. Morris, Mudd, Nall, Norman, Oliver, Owens, Portis, Reid, Scruggs, Segar, Snowden, Spruill, Stringer, Storrs, Sykes, Tate, Trawick, Troup, Turner, Walker, Webb, Williams of H. Williams of J. and Witherspoon of the House of Representatives—93.

Those who voted for *Mr. Jones*, are messrs. President, McAlpin, McClanahan, Oliver, Phillips, Toulmin, Walker of B. Watkins, Wilson and Yancey of the Senate; and messrs. Barker, Bridges, Bryan, Caffey, Campbell, Davis of L. Holstein, Howard, Jackson of A. Jackson of B. Jones of F. McAlpin, Miree, Mitchell, Morrisett, Rose, Sandidge, Steele, Taylor, Todd and Whitsett of the House—31.

Mr. Goodloe having received a majority of all the votes given, Mr. Speaker declared him duly elected Judge of the County Court of Conecuh County, for the constitutional term.

The two Houses next proceeded to the election of a Judge of the County Court of Talladega County:

The names of *John J. Woodward*, *William W. Rice* and *John H. Townsend*, being in nomination.

Those who voted for *Mr. Woodward*, are messrs. President, Brindley, Hudson, McClanahan, McVay, Walker of L. Ward and Winston of the Senate; and messrs. Speaker, Allen, Calloway, Clancey, Cook, Davis of L. Franks, Hill of T. Humphreys, Jackson of A. Jackson of B. McCartney, McGriff, McLeod, McMillion of B. Miree, Portis, Reid, Rose, Sandidge, Scruggs, Snowden, Steele, Stringer, Tate, Trawick, Troup, Walker and Whitsett of the House—37.

Those who voted for *Mr. Rice*, are messrs. Bishop, Creagh, Fleming, Foster, Marchbanks, Moores, Ross, Toulmin, Walker of B. Walthall, Watkins and Yancey of the Senate; and messrs. Aldridge, Alexander, Barker, Bridges, Bryan, Caffey, Campbell, Clarke, Douglass, Evans, Fletcher, Griffin, Hale, Hancock, Harris, Hefflin, Hendrix, Hill of B. Holstein, Hubbard, Huntington, Jones of F. Lang, Lankford, Martin, McMillion of J. Meriwether, Moore of B. Moore of M. Morris, Norman, Sykes, Taylor, Todd, Turner, Webb, Williams of J. and Winston of the House—50.

Those who voted for *Mr. Townsend*, are messrs. Arrington, Burney, Dent, Dougherty, Hardaway, Kelly, King, McAlpin, Oliver, Phillips, Watrous and Wilson of the Senate; and messrs. Anderson, Baldwin, Banks, Barron, Cobb, Davis of B. Dear, Drane, Dunn, Frazier, Hatcher, Howard, J. D. Johnson, R. T. Johnston, McAlpin, McLemore, Mitchell, Morrisett, Mudd, Nall, Oliver, Owens, Segar, Spruill, Storrs, Williams of H. and Witherspoon of the House—39.

Neither having received a majority, the two Houses proceeded to ballot a second time.

Those who voted for *Mr. Rice*, are messrs. President, Bishop, Brindley, Creagh, Dent, Fleming, Foster, Marchbanks, McVay, Oliver, Ross, Toulmin, Walker of B. Walthall, Watkins and Yancey of the Senate; and messrs. Aldridge, Alexander, Barker, Bridges, Bryan, Caffey, Campbell, Clancey, Clarke, Cobb, Davis of L. Douglass, Evans, Fletcher, Franks, Garrett, Griffin, Hale, Hendrix, Hill of B. Holstein, Hubbard, Humphreys, Huntington, Jones of F. Lang, Lankford, Martin, McMillion of B. McMillion of J. Meriwether, Moore of B. Moore of mad. Morris, Reid, Sykes, Taylor, Todd, Turner, Walker, Webb, Williams of J. and Winston of the House—59.

Those who voted for *Mr. Woodward*, are messrs. Hudson, McClanahan, Walker of L. Ward and Winston of the Senate; and messrs. Speaker, Allen, Baldwin, Calloway, Cook, Harris, Hefflin, Hill of T. Howard, Jackson of A. Jackson of B. McCartey, McGriff, McLeod, Miree, Morrisett, Portis, Rose, Sandidge, Scruggs, Snowden, Steele, Stringer, Tate, Trawick, Troup and Whitsett of the House—32.

Those who voted for *Mr. Townsend*, are messrs. Arrington, Burney, Dougherty, Hardaway, Kelly, King, McAlpin, Moores, Phillips, Watrous and Wilson of the Senate; and messrs. Anderson, Banks, Barron, Davis of B. Dear, Drane, Dunn, Frazier, Hancock, Hatcher, J. D. Johnson, R. T. Johnston, McAlpin, Mitchell, Mudd, Nall, Norman, Oliver, Owens, Segar, Spruill, Storrs, Williams of H. and Witherspoon of the House—35.

Neither having received a majority, and the name of *Mr. Townsend* having been withdrawn, the two Houses proceeded to ballot a third time:

Those who voted for *Mr. Rice*, are messrs. President, Bishop, Brindley, Burney, Creagh, Fleming, Foster, Hardaway, Kelly, King, Marchbanks, McVay, Oliver, Ross, Toulmin, Walker of B. Walthall, Watkins, Watrous and Yancey of the Senate; and messrs. Aldridge, Alexander, Allen, Baldwin, Barker, Bridges, Bryan, Caffey, Campbell, Clancey, Clarke, Cobb, Davis of B. Douglass, Evans, Fletcher, Griffin, Hale, Hendrix, Hill of B. Holstein, Hubbard, Humphreys, Huntington, Jones of F. Lang, Lankford, Martin, McAlpin, McMillion of B. McMillion of J. Meriwether, Moore of B. Moore of mad. Morris, Mudd, Norman, Owens, Reid, Storrs, Sykes, Taylor, Todd, Turner, Walker, Webb, Williams of J. Winston and Witherspoon of the House—69.

Those who voted for *Mr. Woodward*, are messrs. Arrington, Dougherty, Hudson, McAlpin, McClanahan, Phillips, Walker of L. Ward, Wilson and Winston of the Senate; and messrs. Speaker, Anderson, Banks, Barron, Calloway, Cook, Dear, Drane, Franks, Frazier, Garrett, Hancock, Harris, Hatcher, Hefflin, Hill of T. Howard, Jackson of A., J. D. Johnson, R. T. Johnston, McCartey, McGriff, McLemore, McLeod, Mitchell, Miree, Morrisett, Nall, Oliver, Portis, Rose, Sandidge, Scruggs, Segar, Snowden, Spruill, Steele, Stringer, Tate, Trawick, Troup, Whitsett and Williams of the House—53.

Mr. Rice having received a majority of all the votes given, *Mr. Speaker* declared him duly elected Judge of the County Court of Talladega County, for the constitutional term. The Senate then withdrew.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled,

An act in relation to the nomination of Bank Directors.

An act to legalize a certain term of the county court of Tuscaloosa county therein named.

An act to change the time of holding the February term of the county court of Perry county.

Also, joint resolutions of the Senate and House of Representatives of the State of Alabama, upon the subject of postage.

Mr. Mitchell, from the select committee, to whom was referred the bill from the Senate to incorporate the Centenary Institute of the Annual Conference of the Methodist Episcopal Church, in the county of Dallas, reported the same back to the House without amendment, and recommended its passage.

The bill was then read the third time and passed.

The House then proceeded to the consideration of the special order, it being the memorial to Congress in relation to the two per cent. fund.

Mr. Davis of L., moved to refer the memorial to a select committee.

Mr. Norman moved to refer the memorial to the committee on education.

And the House adjourned until to-morrow morning, at ten o'clock.

DECEMBER 15, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the report of the Warden of the Penitentiary, in answer to certain resolutions heretofore adopted by the House; which was referred to the committee on the penitentiary.

Mr. Speaker laid before the House the Treasurer's annual report.

On motion of Mr. Barron, the report was laid on the table, and one hundred and thirty-three copies ordered to be printed.

Mr. Speaker also laid before the House a record of divorce; which was referred to the committee on divorce and alimony.

Mr. Jackson of A., presented the petition of sundry citizens of Autauga county, in relation to the county seat of said county; which was referred to a select committee consisting of the delegations from Autauga and Coosa counties.

Mr. Jackson of B., introduced a bill to levy additional taxes in the county of Barbour for county purposes.

Mr. Martin introduced a bill to repeal an act, entitled an act regulating the appointment of brigade drill officers in each brigade.

Mr. Martin offered joint resolutions in relation to amending the Constitution.

Mr. Martin also introduced a bill to carry into effect joint resolutions proposing an amendment to the Constitution.

Mr. Martin introduced a bill limiting the causes of *divorce a vinculo matrimonii*.

Mr. Trawick introduced a bill in relation to summoning defaulters in the county of Butler.

Mr. Rose introduced a bill to regulate the rate of interest.

Mr. Morris introduced a bill to authorize the levy of a special tax in the county of Fayette, for the support of paupers; which were severally read the first time, and ordered to a second reading.

Mr. Cook introduced a bill for the relief of purchasers of sixteenth sections; which was read the first time.

Mr. Cook moved to suspend the rule, and give the bill its second reading forthwith; which was lost.

The bill was ordered to a second reading on to-morrow.

Mr. Walker introduced a bill for the relief of John M. Jackson; which was read the first time, rule suspended, read the second time forthwith; rule further suspended, the bill read the third time, and passed.

Mr. Drane presented the petition of sundry citizens of Lowndes county, praying to be re-annexed to Dallas county; which was referred to the committee on county boundaries.

Mr. McAlpin presented the petition of sundry citizens of Mobile, in relation to the granting of license to retail spiritous liquors in the city of Mobile; which was referred to the committee on propositions and grievances.

Mr. McAlpin also introduced a bill to incorporate the Congregation of Israelites of Shara Shamayem, in the city of Mobile, together with a petition relating to the same subject.

The petition was laid on the table, the bill read a first time, and ordered to a second reading.

Mr. Dunn presented the petition of the Mobile medical society; which was referred to the committee on propositions and grievances.

Mr. R. T. Johnston introduced a bill to repeal a section of law therein named.

Mr. J. D. Johnson introduced a bill to vest the appointing power in certain officers therein named.

Mr. Hefflin introduced a bill to declare Tallapoosa river a public highway.

Which were severally read the first time, and ordered to a second reading.

Mr. Dear presented the petition of sundry citizens of Wilcox county, praying a special term of the circuit court of said county; which was laid on the table.

Mr. Dear also introduced a bill to require the Judge of the Second Judicial Circuit to hold a special term of the circuit court of Wilcox; which was read the first, second and third times forthwith, and passed.

Ordered, that the same be sent to the Senate for its concurrence.

A message was received from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed bills from the House of Representatives, of the following titles:

An act to change the time of holding the winter term of the county court for the county of Greene.

The Senate has also passed bills of the following titles:

An act to authorize the commissioners of the sixteenth section of

township twenty-two, range two, west Tuscaloosa land district, in the county of Sumter, to rescind a certain contract therein described.

An act to amend the charter of the Marine Insurance Company of Mobile.

An act concerning the sixteenth section of township sixteen, range twenty-nine, in Russell county, which latter bill originated in the Senate.

The House resumed the consideration of the bill to repeal an act entitled an act to attach a part of the county of Pickens to the county of Greene.

On motion of Mr. R. T. Johnston, the bill was recommitted to the committee on county boundaries.

A message from the Senate by Mr. Clitherall :

Mr. Speaker—The Senate has adopted the following resolution:

Resolved by the Senate, That with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House on Wednesday next, at twelve o'clock M. for the purpose of electing three inspectors of the Penitentiary of the State of Alabama.

Resolved further, That at the same time the two Houses will elect an Attorney General for the State of Alabama.

Mr. Moore of M., from the committee on the State Bank and Branches made the following report:

The Committee on the State Bank and Branches, to which was referred the Reports from the State Bank and Branches, with the accompanying documents, have had the same under consideration, and have instructed me to report:

That the deep interest felt, not only by the members of the Legislature, but by our fellow-citizens generally, in regard to the condition of our Banks, and their ability in future to redeem their circulation, and absorb at no distant day, the amount of their present circulation, in payment of debts due to the Banks, under a regular and constant collection of these debts under existing laws, which are by no means onerous to the debtors. While by their operation the ruinous rate of exchange against the common currency of Alabama, known to consist chiefly of our State Bank notes and its Branches, have already approached to within five or six per cent. of the standard value of specie. And which, if not interrupted by unwise legislation or bad management on the part of the Banks, their notes must continue to grow daily nearer and nearer to par value. From the great mass of documents referred to your committee, a large portion of which cannot, from the nature of things, be all printed without great expense, and your committee believe to be unnecessary, they have prepared and beg leave to report, for the information of the House and country, a synopsis of the particular parts of said documents in a condensed form, as will throw light upon their general condition, until the documents which the House may order to be printed under the direction of your committee shall be laid before your honorable body.

These documents are unusually large, and your committee have reported a recommendation to print only such as are material to show the

present condition of the Banks. And it will be left to the House the propriety of ordering the printing of others, if it shall be their pleasure to do so. But which your committee believe will not remunerate for the expense of printing them, particularly at a time when economy and retrenchment is imperiously called for by the condition of our country, and the settled policy of the State.

The State Bank and Branches have, during the past year, collected the aggregate amount of outstanding debts, the sum of \$1,785,416 79, as follows, to wit:

State Bank.....	\$335,510 16
Huntsville Bank,.....	231,839 38
Decatur Bank,.....	223,368 85
Montgomery Bank,....	337,350 24
Branch Bank at Mobile,.....	638,947 86

And your committee are gratified to learn by looking into the reports of the Montgomery and Decatur Banks, that about one third or nearly so, of the amount collected as partial payments upon outstanding debts due said Banks, have been paid upon notes and bills reported by the last Legislature as bad and doubtful debts.

The amount of outstanding circulation of the State Bank and all its Branches was, at the date of said reports, \$4,319,858 00, as follows, to wit:

Circulation of the State Bank,.....	\$519,198 00
“ “ Branch at Mobile....	2,423,869 00
“ “ “ Montgomery.....	654,179 00
“ “ “ Decatur,.....	747,524 00
“ “ “ Huntsville.....	68,854 00

From which deduct notes in Branch Banks not charged up, \$83,766, —leaves the above circulation of all the Banks outstanding, which is daily diminishing by constant and regular curtailments, upon good debts due said Banks, known to be more than double that amount. To say nothing of the debts reported to be bad and doubtful, a large amount of which, it is believed, will yet be collected.

The specie and specie funds received from the Banks put in liquidation, by the State Bank, amounts to \$624,659 41, as follows, to wit:

From the Branch at Mobile,.....	\$88,000 00
“ “ Decatur.....	255,642 71
“ “ Huntsville,.....	108,068 48
“ “ Montgomery,.....	172,948 22

The amount of current expenses of the State Bank and all the Branches, amounts to \$90,831 36, to wit:

The State Bank,.....	\$12,764	35
“ Huntsville Branch, ...	10,958	62
“ Decatur.....	14,109	07
“ Montgomery,..	17,014	96
“ Mobile,.....	35,984	26

Your Committee have upon examination of the reports of the amount of specie on hand, and the amounts received from the Branch Banks, discovered an apparent discrepancy, which is reconciled by a reference to the amount of interest paid with specie on our State bonds for eighteen hundred and forty-three. And it will appear upon examination that the State Bank has means in sound funds and specie to pay all the interest that may fall due on State bonds, up to first of January, eighteen hundred and forty-five, inclusive; by which time it becomes the duty of the State to make provisions to sustain the *faith* and *credit* of the *State unimpaired*.

The amount due to the Sixteenth Sections, within the State, which has been paid into the State Bank and Branches, on which the Banks by the existing laws, are paying an interest of eight per cent. per annum, amounts to \$822,440 07, to wit:

In the Branch at Montgomery, ...	\$323,441	75
“ State Bank,.....	263,092	14
“ Huntsville Branch,.....	65,960	02
“ Decatur Branch,.....	154,408	45
“ Mobile Branch, ...	15,537	71

The following  has been paid by the State Bank and Branches since the last adjournment of the Legislature, in aid of valueless Sixteenth Sections, under previously existing laws, which will be hereafter inoperative as a tax upon the Banks, which amounts to \$161,251 57, as follows, to wit:

Paid by the State Bank,.....	\$35,789	09
“ “ Mobile Branch,.....	48,546	11
“ “ Huntsville Branch,.....	17,375	16
“ “ Montgomery Branch, ...	33,559	91
“ “ Decatur Branch,.....	25,981	30

Your Committee must be permitted to remark, that the voluminous documents from which the above synopsis is made, precludes the idea that it is in all particulars minutely exact, but they believe it to be sufficiently so, to show the general condition of the Banks in a condensed form.

Your Committee have instructed me to report the following resolution:

Resolved, That five hundred copies of the following documents of the State Bank and Branches, be printed in pamphlet form for the use of this House, to wit: Reports of the Presidents and Cashiers of the

State Bank and Branches—the Reports of the Commissioners—and the Expense Accounts in detail.

Also, five hundred copies of the present Report of the Bank Committee, and five hundred copies of the Report of the President, Cashier, and Commissioners of the Bank of Mobile.

All of which is respectfully submitted.

DAVID MOORE, *Chairman.*

Mr. Huntington moved to amend the resolution reported by the committee, as follows: “Also, five hundred copies of the present Report of the Bank Committee, and five hundred copies of the Report of the President, Cashier and Commissioners of the Bank of Mobile.”

The amendment was adopted; and the resolution, as amended, adopted.

Mr. Clemens, from the committee on the judiciary, to whom was referred the petition of Moses McGuire, reported a bill to fix the fees of Clerks of courts in Bank cases; which was read the first time and ordered to a second reading.

Mr. Clemens, from the same committee, to which was referred the bill to change the names of certain persons therein named, reported the same back to the House with amendments, and recommended its passage.

The amendments were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Clemens, from the same committee, to whom was referred so much of the Governor’s message as relates to taking the census, reported a bill to provide for taking the census for year one thousand eight hundred and forty-four; which was read first time and ordered to a second reading.

A message from the Senate, by Mr. Conch:

Mr. Speaker—The Senate has passed the following resolution, in which the concurrence of your honorable body is requested.

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on Friday, the twenty-second instant, for the purpose of going into the election of a Judge of the third judicial circuit to fill a vacancy occasioned by the resignation of the Honorable Peter Martin:

Also, a Judge of the eighth judicial circuit to fill the vacancy occasioned by the expiration of the term of service of the Honorable Abraham Martin:

And also, a Judge of the ninth judicial circuit, to fill the vacancy occasioned by the death of the Honorable Eli S. Shortridge.

Mr. Clemens, from the committee on the judiciary, to whom was referred the bill to provide for the incorporation of academies, reported that it would be inexpedient to pass said bill.

The report was concurred in.

Mr. Clemens, from the same committee, to which was referred a bill

concerning the estates of deceased persons, reported that it would be inexpedient to pass said bill.

The report was concurred in.

The hour of twelve having arrived, Mr. Huntington moved to suspend the orders of the day; which was carried.

Mr. Martin, from the committee on retrenchment, to which was referred a bill to reduce the *per diem* of the members of the General Assembly, reported a substitute in lieu of the original bill, and recommended its passage.

The substitute was adopted.

Mr. Evans moved to amend the substitute as follows:

Strike out all after the enacting clause, and insert as follows: "Hereafter the members of the General Assembly now or hereafter to be elected, shall receive for their services such compensation only as the court of commissioners of roads and revenue of their respective counties shall allow, to be paid out of the funds of their said county, and nothing shall hereafter be paid to said members from the Treasury of the State: *Provided*, That where any member represents two or more counties, the said commissioners court of said counties shall apportion the pay of their said members between their said counties, as to said courts shall seem to be equitable and just, according to the population of said counties.

Mr. Moore of M. moved to lay the the amendment on the table; which was carried—yeas 64, nays 26.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Bridges, Bryan, Caffey, Calloway, Campbell, Clancey, Clarke, Cobb, Davis of L. Douglass, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McAlpin, McCarty, McGriff, McMillion of B. McMillion of J. Meriwether, Miree, Moore of M. Morris, Morrisett, Mudd, Nall, Reid, Rose, Sandidge, Segar, Snowden, Spruill, Steele, Stringer, Sykes, Storrs, Todd, Troup, Walker, Williams of J. and Winston.

NAYS—messrs. Banks, Barker, Barron, Clemens, Cobb, Davis of B. Dear, Drane, Dunn, Evans, Hatcher, Humphreys, McLemore, McLeod, Mitchell, Norman, Oliver, Portis, Scruggs, Taylor, Trawick, Turner, Webb, Whitsitt, Williams of H. and Witherspoon.

Mr. Davis of L. moved to amend as follows:

Provided, This act shall not effect any of the members of the present General Assembly, except such as vote for its passage.

Mr. Bridges moved to lay the amendment on the table.

Mr. Douglass moved to postpone the bill and amendments indefinitely; which was lost—yeas 19, nays 69.

YEAS—messrs. Alexander, Barker, Clancey, Cook, Douglass, Evans, Garrett, Jones of F. McAlpin, McGriff, Norman, Owens, Sandidge, Sykes, Taylor, Todd, Turner, Walker, and Williams of H.

NAYS—messrs. Speaker, Aldridge, Allen, Baldwin, Banks, Barron, Bridges, Bryan, Caffey, Calloway, Campbell, Clarke, Cobb, Davis of B.

Davis of L. Dear, Dunn, Fletcher, Franks, Frazier, Griffin, Hale, Hancock, Harris, Hatcher, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McCartney, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris, Morrisett, Mudd, Nall, Oliver, Portis, Reid, Rose, Scruggs, Snowden, Spruill, Steele, Stringer, Storrs, Trawick, Troup, Webb, Whitsitt, Williams of J. and Winston.

The question then recurred on the motion to lay the amendment of Mr. Davis of L. on the table; and was carried—yeas 79, nays 10.

YEAS—messrs. Speaker, Aldridge, Allen, Anderson, Baldwin, Banks, Barker, Barron, Bridges, Bryan, Caffey, Calloway, Campbell, Clancey, Clarke, Cobb, Davis of B. Dear, Douglass, Drane, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hatcher, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McAlpin, McCartney, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris, Morrisett, Mudd, Nall, Norman, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Sykes, Trawick, Troup, Turner, Walker, Webb, Whitsitt, Williams of J. Winston, and Witherspoon.

NAYS—messrs. Alexander, Cook, Davis of L. Dunn, Lang, McGriff, Portis, Taylor, Todd, and Williams of H.

Mr. Baldwin moved to amend as follows:

That from and after twenty days from this day the *per diem* allowance to each member of this State, shall be four dollars; from and after that time, such allowance shall be three dollars until thirty days from this day, and at the expiration of said thirty days until the end of the session, two dollars

Mr. Barker moved to adjourn until to-morrow morning, ten o'clock; which was lost.

Mr. Walker moved to amend the amendment of Mr. Baldwin, as follows, to wit:

That after the first day of January, one thousand eight hundred and forty-four, no member shall be entitled to any *per diem*.

And then the House adjourned until to-morrow morning, at ten o'clock.

DECEMBER 16th, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the House communications from the Bank of the State, and from the Branches at Huntsville and Decatur, showing the amount paid by said Banks to the Attorneys employed to collect bad and doubtful debts; which were referred to the committee on the State Bank and Branches.

Mr. Speaker laid before the House a report from J. C. Van Dyke, Comptroller, as follows:

COMPTROLLER'S OFFICE,
DECEMBER 15th, 1843. }

*To the Honorable A. B. Moore,
Speaker of the House of Representatives:*

Sir—I hand you the accounts and claims of the following persons, which you will please lay before the General Assembly, viz:

Thomas P. Simmons, M. B. Huckle, A. J. Cotton, John Howard, and James Griffin.

[Signed,]

J. C. VAN DYKE.

Mr. Humphreys moved to suspend the call of counties that he might have an opportunity to introduce a resolution; which was carried.

On motion of Mr. Humphreys,

Resolved, That the President of the Bank of the State of Alabama, be required to report forthwith to this House what arrangements has been made, or proposed to be made for the disposition of the specie and specie funds in said Bank, touching the payment of the interest on the State Bonds for the year one thousand eight hundred and forty-four.

Mr. Rose moved to suspend the call of the counties; which was carried.

Mr. Rose, from the committee on the Penitentiary, to whom was referred the report of the Warden of the Penitentiary in answer to certain resolutions adopted by this House, reported the same back to the House, and moved that the report be laid on the table, and one hundred thirty-three copies ordered to be printed.

Mr. Banks called for a division of the question, and the question was taken on laying on the table, and carried.

Mr. Jackson of A. moved that five hundred copies be ordered to be printed; which was lost.

Mr. Sykes moved to print one hundred and fifty copies; which was carried.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has resolved, that with the concurrence of your honorable body, the two Houses will assemble in the Hall of the House on Friday, the twenty-second instant, at the hour twelve. M., for the purpose of electing a Solicitor of the eighth judicial circuit to fill the vacancy occasioned by the resignation of Sampson W. Harris, Esq.

Also, on Tuesday the ninth instant, to elect a Judge of the Supreme court, to supply the vacancy caused by the resignation of the Honorable Henry Goldthwaite.

The Senate has originated and passed a bill to be entitled an act to in-

corporate the town of New Lexington, in the county of Tuscaloosa, in which the concurrence of the House is requested.

The Senate has passed bills from the House of the following titles:

An act in aid of the county Treasury of Russell county:

An act to change the name of a certain person therein named:

An act concerning the county taxes of Monroe county:

The resolution of the Senate was concurred in, and the bill from the Senate to incorporate the town of New Lexington, in the county of Tuscaloosa, was read the first time and ordered to a second reading.

A message was received from the Governor, by Mr. Garrett, Secretary of State:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles:

An act to divorce John W. Jones from his wife, Minerva Jones:

An act in relation to the nomination of Bank Directors:

An act to legalize a certain term of the county court of Tuscaloosa county therein named:

Joint resolutions of the Senate and House of Representatives of the State of Alabama, on the subject of postage:

And an act to change the time of holding the February term of the county court of Perry county.

Mr. Moore of B. introduced a bill in relation to the fees of certain officers in Baldwin county; which was read the first time and ordered to a second reading.

Mr. Martin introduced a bill for the relief of the citizens of township fifteen, and range eight, east, in the county of Benton, together with petitions, in relation to the same subject.

The bill was read the first time, rule suspended, read the second time forthwith, and on motion of Mr. Martin, the bill and petitions were referred to a select committee, consisting of the delegation from Benton.

Mr. Hendrix introduced a bill to locate permanently the county site, for the county of Cherokee, and for other purposes; which was read the first time, rule suspended, read the second time, and on motion of Mr. Hendrix, referred to the delegation from Cherokee.

Mr. Portis introduced a bill to establish an election precinct at Carleton's store, in said county; which was read the first and second times forthwith, and referred to the committee on privileges and elections.

Mr. Portis introduced a bill to alter the time of holding the circuit courts of the sixth judicial circuit; which was read the first time and ordered to a second reading.

Mr. Hatcher introduced a bill to amend the law concerning patrol duty.

Mr. Harris introduced a bill to exempt certain persons from working on the roads in Fayette county.

Mr. Hale introduced a bill to amend an act entitled an act regulating and prescribing the mode of settlement in Orphans' court by executors, administrators, and guardians.

Mr. Walker introduced a bill concerning idiots, lunatics, and persons, *non compos mentis*.

Mr. Davis of L. introduced a bill the more effectually to provide for contesting illegal elections for sheriffs

Mr. Nall introduced a bill to provide more permanently for the payment of jurors in Lowndes county.

Mr. Oliver introduced a bill to assess and collect a county tax for the county of Macon; which were severally read the first time and ordered to a second reading.

Mr. Moore of M. presented the accounts of Adam Beard; which were referred to the committee on propositions and grievances.

Mr. Storrs from the committee on enrolled bills, reported as correctly enrolled:

An act incorporating the Centenary Institute of the Alabama Annual Conference of the Methodist Episcopal Church, in the county of Dallas:

An act to alter the time of holding the county court of Morgan county:

An act in aid of the county Treasury of Russell county:

An act to change the name of a certain person therein named:

An act concerning the county tax of Monroe county.

Mr. Moore of M. introduced a bill explanatory of an act to regulate the State Bank, and for other purposes; which was read the first, second, and third times forthwith, and passed.

Ordered, that the same be sent forthwith to the Senate.

Mr. Anderson introduced a bill to provide for bringing suits against non-residents of counties in certain cases; which was read the first time and ordered to a second reading.

The hour of twelve having arrived,

Mr. Walker moved to suspend the orders of the day, for the purpose of taking up the messages from the Senate; which was carried.

The bill from the Senate, concerning the sixteenth section, of township sixteen, range twenty-nine, in Russell county, was read the first time, Mr. Segar moved to suspend the rule and give the bill its second reading forthwith; which was carried.

The bill was read the second time, Mr. Winston moved to refer the bill to the committee on the sixteenth section fund, with instructions to report a general bill; which was lost.

The bill was then read the third time forthwith and passed.

The bill from the Senate, to amend the charter of the Mobile-Rail Way and Insurance Company of Mobile.

The bill from the Senate, to authorize the commissioners of the sixteenth section. township twenty-two, range two, west, Tuscaloosa Land District, in the county of Sumter, to rescind a certain contract therein described, were severally read the first time, and ordered to a second reading.

The resolution from the Senate; proposing to assemble in the Hall of the House, on Friday twenty-second instant, at the hour of twelve

o'clock, *æ.*, for the purpose of electing a Judge of the third judicial circuit, and a Judge of the eighth judicial circuit.

Mr. Huntington moved to strike out "twelve, *æ.*," and insert "three, *p. m.*;" which was lost.

The resolution was concurred in.

The resolution of the Senate, proposing to assemble in the Hall of the House on Wednesday next, at twelve o'clock, *æ.*, for the purpose of electing three Inspectors of the Penitentiary, and an Attorney General for the State of Alabama, was concurred in.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

An act to change the time of holding the winter term of the county court, for the county of Greene.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, Comptroller, as follows:

COMPTROLLER'S OFFICE, }
DECEMBER 16th, 1843. }

Honorable A. B. Moore,

Speaker of the House of Representatives:

Sir—I hand you the accounts of William Jennings, jailer of Tuscaloosa county, which you will please lay before the General Assembly.
[Signed,] J. C. VAN DYKE.

Mr. Evans, from the committee on accounts, made the following report:

The committee on accounts, to whom the following accounts and petitions were referred, having had the same under consideration, report that it is inexpedient to allow the same; the accounts and petitions rejected, and herewith returned, are as follows:

The petition of Wm. S. Taylor, of Barbour:

The petition of James Irwin, and others:

The petition of Isham Hatcher:

The account of Simeon P. Wiley:

The account of William G. Ryan:

The account of James D. Copeland:

The account of John T. Moody:

The account of White & Panling:

The account of Samuel P. Steadly:

The account of John Chancey:

The account of Thomas Robinson:

The account of James M. Astin:

The account of Robert S. Johnson:

The account of William Cox:

The account of Judge P. Williams.

All of which are respectfully submitted.

Mr. Evans, from the committee on accounts, made the following report:

The committee on accounts, to whom was referred a bill entitled an act to compensate Bainbridge Boazman for a negro therein named, having had the same under consideration, together with the accompanying documents, report that under the existing laws of this State, Bainbridge Boazman is entitled to one half of the assessed value of the negro slave named in the bill, which may be obtained without further legislative enactment; and therefore, the committee report that it is inexpedient to legislate upon said bill, which is herewith returned to the House.

The report was concurred in.

Ordered, that Mr McLemore have leave to withdraw the petition. And the House adjourned until Monday morning, at ten o'clock.

TUSCALOOSA, December 18th, 1843.

The House met pursuant to adjournment.

William J. Alston, a representative from the county of Marengo, appeared within the Hall of the House, was qualified and took his seat.

Mr. Speaker laid before the House a communication from the Branch Bank at Mobile, in answer to resolutions previously adopted by this House.

Mr. Speaker laid before the House a communication from the Branch Bank at Montgomery; also, a communication from John Marrast, in answer to a resolution adopted by this House on Saturday last, sixteenth instant; which were referred to the committee on the State Bank and Branches.

Mr. Speaker also laid before the House a record of divorce; which was referred to the committee on divorce and alimony.

Mr. Speaker laid before the House a communication from William Garrett, Secretary of State, showing the vote of De Kalb county, on the proposed amendment to the Constitution; which was referred to a select committee of nine.

Mr. Moore of M. presented the petition of sundry citizens of Madison county, in relation to the court house of said county; which was referred to the delegation from Madison county.

Mr. Clemens introduced a bill for the benefit of James Irwin, J. H. Weakley, J. H. Cunningham, Thomas J. Foster, James H. Donegan and Thomas Fearn, late Tennessee canal commissioners.

Mr. Fletcher introduced a bill to repeal in part the ninth section of the fourth chapter of the military code; which were severally read the first time, and ordered to a second reading.

Mr. Barron introduced a bill for the relief of Bridget O'Brian; which was read the first time, on motion of Mr. Barron, the rule was suspended, the bill was read a second time forthwith, and referred to the committee on propositions and grievances.

Mr. R. T. Johnston introduced a bill to afford a more effectual remedy against executors and administrators; which was read the first time and ordered to a second reading.

Mr. Spruill introduced joint resolutions in relation to the election of State Treasurer.

Mr. McLeod introduced a bill to change the time of holding the circuit court of Pike county.

Mr. McLeod introduced a bill for the relief of Richard Locke.

Mr. Stringer introduced a bill to compensate the commissioners of roads and revenue of Pike county; which were severally read the first time, and ordered to a second reading.

Mr. Segar presented the petition of Isaac Ardis; which was referred to a select committee, consisting of the delegations from Russell and Chambers.

Mr. Scruggs presented the petition of Wm. S. Patton and others; which was referred to the committee on the military.

Mr. Clarke introduced a bill to regulate the fees of the clerks of the circuit and county courts, and registers in chancery.

Mr. Huntington introduced a bill to regulate appeals from the judgments of courts martial, in certain cases.

Mr. Meriwether introduced a bill for the relief of Margaret M. Carter; which were severally read the first time, and ordered to a second reading.

Mr. Dear introduced a bill relative to the rescission of a certain contract of purchase of a part of the sixteenth section, in township eleven, of range six, together with a petition in reference to the same subject.

The bill was read the first time, and ordered to a second reading.

Mr. Bridges introduced a bill in relation to sixteenth section lands; which was read the first and second times forthwith, and referred to the committee on the sixteenth section fund.

Message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed joint resolutions for the relief of Lorenzo Walker, of Fayette county, in which the concurrence of the House is requested.

Mr. Martin introduced a bill imposing a tax upon the sale of Clay's Digest, and for other purposes; which was read the first time, and ordered to a second reading.

Mr. Speaker laid before the House the annual report of the Quarter Master General; which was referred to the committee on the military.

The House resumed the consideration of the bill to retrench the expenditures of the General Assembly of the State of Alabama; the question pending on the amendment of Mr. Walker, to the amendment of Mr. Baldwin.

Mr. Moore of M moved to lay the amendment, and the amendment to the amendment on the table, which was carried.

Mr. Sykes moved to amend as follows, to wit:

Strike out all after the enacting clause, and insert:

"The President of the Senate and the Speaker of the House of Representatives, and each other member of the General Assembly shall be entitled to receive the compensation now fixed by law for the first for-

ty days of each session; and for the next ten after the expiration of the first forty days of each session, the President of the Senate and Speaker of the House of Representatives, shall be entitled to receive three dollars per day; and each of the other members shall receive two dollars for every day's attendance at the General Assembly, and after that time they shall receive no compensation for their services.

"Sec. 2. The Clerk of the House of Representatives and the Secretary of the Senate shall each be allowed six dollars per day, the Assistant Clerks of each branch of the Legislature four dollars per day; the Doorkeepers (one to each House, three dollars and fifty cents per day.

"Sec. 3. The provisions of this act shall extend to the present General Assembly."

Mr. Cook moved to lay the bill and amendments on the table, which was lost—yeas 33; nays 61.

YEAS—Messrs. Alexander, Anderson, Barker, Bryan, Caffey, Calloway, Campbell, Clancey, Clemens, Cook, Douglass, Drane, Evans, Garrett, Jones of F. Lang, McAlpin, McCartney, McGriff, McLeod, Moore of B. Norman, Owens, Sandidge, Snowden, Stringer, Tate, Taylor, Todd, Turner, Watkins, Williams of H. and Williams of J.

NAYS—Messrs. Speaker, Aldridge, Allen, Alston, Baldwin, Banks, Barron, Bridges, Clarke, Cobb, Davis of B. Davis of L. Dear, Dunn, Fletcher, Franks, Frazier, Griffin, Hale, Hancock, Harris, Hatcher, Hefflin, Hendrix, Hill of B. Holstein, Howard, Hubbard, Humphrey, Huntington, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, Lankford, Martin, McLemore, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris, Morrisett, Mudd, Nall, Oliver, Portis, Reid, Rose, Scruggs, Segar, Spruill, Steele, Storrs, Sykes, Trawick, Troup, Webb, Whitsitt, Winston and Witherspoon.

Mr. Clemens moved the previous question, which was sustained—yeas 59; nays 37.

YEAS—Messrs. Speaker, Aldridge, Allen, Bridges, Bryan, Caffey, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Cook, Evans, Franks, Griffin, Harris, Hatcher, Hefflin, Hill of B. Hill of T. Holstein, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McCartney, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Moore of M. Morris, Morrisett, Mudd, Nall, Reid, Rose, Sandidge, Segar, Steele, Stringer, Tate, Trawick, Troup, Turner, Whitsitt, Williams of J. and Winston.

NAYS—Messrs. Alexander, Alston, Anderson, Baldwin, Banks, Barker, Barron, Davis of B. Davis of L. Dear, Douglass, Drane, Dunn, Fletcher, Frazier, Garrett, Hale, Hancock, Hendrix, Howard, Hubbard, McAlpin, McGriff, Norman, Oliver, Portis, Scruggs, Snowden, Spruill, Storrs, Sykes, Taylor, Todd, Walker, Webb, Williams of H. and Witherspoon.

The main question, shall this bill be ordered to be engrossed for a third reading? was decided in the affirmative.

Mr. Clemens, from the committee on the judiciary, to whom was referred a bill to authorize the sheriff of Walker county to do constables'

business, reported a substitute in lieu of the original bill, and recommended its passage.

The substitute was adopted.

On motion of Mr. Clancey, the blank in the bill was filled with the words "one thousand," and the bill ordered to be engrossed for a third reading.

Mr. Clemens, from the committee on the judiciary, to whom was referred a bill in relation to civil process, reported the same to the House as inexpedient to pass.

The report was concurred in.

Mr. Clemens, from the same committee, to whom was referred the bill to abolish the punishment of death upon free white persons in the State of Alabama, reported that it would be inexpedient to pass said bill, in which report the House concurred.

Mr. Clemens, from the same committee, to whom was referred the bill to provide a summary remedy for the recovery of stolen property, reported that it would be inexpedient to pass said bill.

The report was concurred in.

Mr. Clemens, from the same committee, to whom was referred the bill for the security of sheriffs in certain cases, reported the same to the House, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Clemens, from the same committee, to whom was referred the petition of sundry citizens of Lawrence county, in relation to the estates of deceased persons, reported that further legislation on the subject would be unnecessary and inexpedient.

The report was concurred in.

Mr. Clemens, from the same committee, to whom was referred the petition of Elsy Clay, reported that it would be inexpedient to legislate on the subject.

The report was laid on the table.

Mr. Clemens, from the same committee, to whom was referred a bill authorizing sales by executors and administrators in certain cases, reported that it would be inexpedient to pass said bill.

The report was concurred in.

Mr. Clemens, from the same committee, to whom was referred a bill to regulate the issuance of executions on forthcoming bonds, reported that it would be inexpedient to pass said bill.

The report was concurred in.

Mr. Alexander, from the committee to whom was referred the decree of divorce in the case of Palatine McElton against Wm. McElton, reported a bill to divorce Palatine McElton from her husband Wm. McElton, which was read the first and second times forthwith, and ordered to be engrossed for a third reading.

Mr. Walker, from the committee on the judiciary, to whom was referred the joint resolution, proposing to amend the Constitution, reported a substitute in lieu of the original, and recommended its passage.

The substitute was adopted, and ordered to be engrossed for a third reading.

The hour of twelve having arrived, the House proceeded to the consideration of the first special order of the day, it being the joint memorial heretofore offered by Mr. McCartey, in relation to the two per cent. fund.

The question pending on Mr. Norman's motion to refer to the committee on education, the question was taken and the memorial so referred.

The House proceeded to the consideration of the next special order, it being the resolution heretofore offered by Mr. Taylor, in regard to the basis of congressional representation.

Mr. Martin moved to postpone the resolution indefinitely.

Mr. Sykes moved to postpone the resolution until Tuesday the twenty-sixth instant, and make them the special order for twelve, M. of that day; which was carried.

A message from the Senate, by Mr. Clithera:

Mr. Speaker—The Senate has originated and passed a bill to be entitled an act to authorize the commissioners court of Butler county to levy an additional tax

And then the House adjourned until to-morrow morning, at ten o'clock.

DECEMBER 19, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the report of the commissioners appointed to examine the Branch Bank at Mobile; which was referred to the committee on the State Bank and Branches.

Mr. Barron notified the House that he would move to amend the rules of the House as follows:

Resolved, That from and after the twenty-fifth day of this month, the House shall assemble each morning at half past nine o'clock; to sit until half past one o'clock—meet again at three o'clock; sit until five o'clock—meet again at half past six o'clock, and sit until nine o'clock; and whenever the hour arrives, it shall be the duty of the Speaker to announce it to the House; and the House shall adjourn without motion.

Which lies over one day.

Mr. Walker moved to reconsider the vote taken on the motion to refer the reports of the Presidents of the different Banks, in answer to certain resolutions adopted by this House, to the committee on the State Bank and Branches.

The vote was reconsidered.

Mr. Hubbard moved that one hundred and thirty-three copies of the reports be ordered to be printed; which was carried.

Mr. Spruill notified the House that he would move to reconsider the vote taken yesterday, ordering the joint resolutions, proposing to amend the Constitution, to a third reading.

Mr. Steele introduced a bill to provide for the payment of the interest

on the State bonds falling due in eighteen hundred and forty-five; which was read the first time, and ordered to a second reading.

Mr. Jackson of B., presented the account of Benjamin Gardner; which was referred to the committee on accounts.

Mr. Jackson of B., introduced a bill in relation to grand and petit jurors.

Mr. Martin introduced a bill to repeal in part joint resolutions of the last General Assembly, in regard to the expense accounts of the State Bank and Branches; which were severally read the first time, and ordered to a second reading.

Mr. Taylor presented the petition of sundry citizens of Butler county, in relation to the town of Greenville; which was referred to the committee on propositions and grievances.

A message from the Senate, by Mr. Couch:

Mr. Speaker—The Senate has adopted the following resolution:

Resolved, That the Chair appoint a committee of three on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, whose duty it shall be to examine the Comptroller's and Treasurer's offices, and ascertain whether or not those offices have been conducted according to law; and report the result of their examination to their respective Houses.

Whereupon, messrs. Hudson, Creagh and McAlpin, were appointed the committee on the part of the Senate; in which the concurrence of the House is requested.

Mr. Taylor introduced a bill to change the time of holding the terms of the several circuit courts in the second judicial circuit.

Mr. Dear introduced a bill to require owners of slaves to employ overseers in certain cases.

Which were severally read the first time, and ordered to a second reading.

Mr. Rose introduced the petition of sundry citizens of Wetumpka, in reference to the charter of said town; which was referred to a select committee consisting of the delegations from Coosa and Autauga counties.

Mr. Snowden introduced a bill to authorize the Regimental court of the sixtieth Regiment of Alabama militia, to form company beats of a less number than forty privates.

A message from the Governor, by Mr. Garrett, Secretary of State:

Mr. Speaker—His Excellency the Governor, has approved bills of the following titles, to wit:

An act in aid of the county Treasury of Russell county.

An act concerning the county taxes of Monroe county.

An act to alter the time of holding the county court of Morgan county.

An act to change the name of a certain person therein named.

An act to change the time of holding the winter term of the county court of Greene.

Which bills originated in the House of Representatives.

Mr. Evans introduced a bill to regulate proceedings in criminal cases, in certain cases; which was read the first time, and ordered to a second reading.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

An act concerning the sixteenth section, of township sixteen, range twenty-nine, in Russell county.

Mr. Hatcher introduced a bill to alter the mode of selecting grand jurors in the county of Dallas.

Mr. Winston introduced a bill to extend the powers of the town commissioners of De Kalb county.

Which were severally read the first time, and ordered to a second reading.

Mr. Webb presented the petition from the Greensborough Guards; which was referred to the committee on the military.

Mr. Williams of H., introduced a bill to prevent persons from exercising the duties of county surveyor, who are not appointed and qualified as the law directs.

Mr. Williams of H., introduced a bill to repeal in part an act therein named.

Mr. Williams of H., also introduced a bill to compensate Doctors White and Paulin, for medical services rendered State prisoners in Henry county jail.

Which were severally read the first time, and ordered to a second reading.

Mr. Walker introduced a bill concerning the registration of Deeds of trust, mortgages, and other incumbrances; which was read the first time, and ordered to a second reading.

Mr. Barker presented the account of E. A. O'Neil; which was referred to the committee on accounts.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed, amended as therein shewn, a bill from the House of Representatives, entitled an act to repeal in part a certain act therein named; and for other purposes.

The Senate has also passed bills from the House of Representatives, of the following titles:

An act to compensate the commissioners of roads and revenue of Russell county.

An act to compensate tales jurors in the county of St. Clair.

An act to authorize the levy of a special tax to build a Court-house in the county of St. Clair.

An act explanatory of an act to regulate the State Bank of Alabama, and for other purposes.

The amendment of the Senate to the bill to repeal in part a certain act therein named, was concurred in.

Mr. Galloway presented the petition of L. Rogers; which was referred to the committee on education.

Mr. Griffin presented the account of Joseph G. Garrett; which was referred to the committee on accounts.

Mr. Griffin introduced a bill to explain the law in relation to costs on *scire facias*.

Mr. Humphreys introduced a bill for the relief of Catharine Welsh, of Morgan county.

Which were severally read the first time, and ordered to a second reading.

Mr. Stringer introduced a bill for the relief of paupers in the county of Pike.

Mr. Hefflin introduced a bill to authorize the Judge of the county court, and commissioners of roads and revenue of Randolph county, to levy a special tax.

Mr. Segar introduced a bill in relation to the service of civil process in the county of Russell.

Which were severally read the first time, and ordered to a second reading.

Mr. Whitsitt presented the petition of the citizens of township twenty, range two, West, for placing the funds of said township in the hands of commissioners; which was referred to the committee on the sixteenth section fund.

Mr. Clarke introduced a bill concerning the administrators of the estate of William S. Chapman.

Mr. Dear introduced a bill to secure to *senies covert* their separate property.

Which were severally read the first time, and ordered to a second reading.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has adopted the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on Thursday the twenty-first instant, at twelve o'clock, M. for the purpose of electing a Solicitor of the second judicial circuit, to fill the vacancy occasioned by the resignation of Nathan Cook, Esq.

The House proceeded to the consideration of the motion of Mr. Spruill, to reconsider the vote taken on ordering the joint resolutions, proposing an amendment to the Constitution, to a third reading.

Mr. Hubbard moved a call of the House; which was lost—yeas 22—nays 73.

YEAS—messrs. Allen, Anderson, Banks, Barker, Campbell, Clemens, Dunn, Hubbard, Humphreys, Jackson of A., Jackson of B., Martin, McCarty, Mitchell, Reid, Rose, Snowden, Tate, Todd, Trawick, Turner and Williams of H.

NAYS—messrs. Speaker, Aldridge, Alexander, Alston, Baldwin, Barron, Bridges, Bryan, Caffey, Caloway, Clancey, Clarke, Cobb, Cook, Davis of B., Davis of L., Dear, Douglass, Drane, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Hatcher, Hefflin, Hendrix, Hill of B., Hill of T., Holsten, Howard, Huntington, Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, McAlpin, McGriff, McLeomore, McLeod, McMillion of B., McMillion of J., Merriwether, Miree, Moore of B., Moore of M., Morris, Mudd, Nall, Norman, Oliver, Owens, Portis, Sandidge, Scruggs, Spruill, Steele, Stringer, Storrs,

Sykes, Taylor, Troup, Walker, Webb, Whitesitt, Williams of J., Winston and Witherspoon.

The question was then taken on reconsidering the vote, and carried.

Mr. Davis of L., moved to refer the joint resolutions to a select committee of five; which was carried.

Mr. Clarke, from the committee on divorce and alimony, to whom was referred sundry records of divorce, reported

A bill to divorce certain persons therein named; which was read the first time, and ordered to a second reading.

Mr. Clarke also reported a bill to divorce Maria L. Davis from her husband James Davis; which was read the first, second and third times, and passed.

Mr. Clake also reported a bill to divorce Emily Susan Snipes from her husband Jeremiah Snipes; which was read the first time, and ordered to a second reading.

Mr. Martin, from the judiciary committee, to whom was referred a bill to repeal an act, entitled an act to prevent the sacrifice of real estate, reported the same back to the House with an amendment, and recommended its passage.

The amendment was adopted.

Mr. Winston moved to postpone the bill indefinitely.

The hour of twelve having arrived,

Mr. Alexander offered the following resolution:

Resolved, That the Senate be now invited into the Hall of the House for the purpose of electing a Judge of the Supreme court; which was adopted.

The Senate repaired to the Hall of the House; and when seated, Mr. President announced the object of the assembling of the two Houses.

Mr. Toulmin nominated the *Hon. Henry Goldthwaite*.

Mr. Moore of M. nominated the *Hon. C. C. Clay*.

Those who voted for *Mr. Clay*, are messrs. President, Arrington, Bishop, Brindley, Foster, Marchbanks, McClanahan, McVay, Walker of B. Walker of L. Watrous, Wilson and Yancey of the Senate; and messrs. Aldridge, Alexander, Allen, Barker, Bryan, Caffey, Clancey, Cobb, Douglass, Fletcher, Franks, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Humphreys, Huntington, Jackson of A. Jones of F. Lankford, Martin, McMillion of B. McMillion of J. Meriwether, Moore of mad. Morris, Owens, Reid, Rose, Sandidge, Scruggs, Segar, Steele, Storrs, Sykes, Troup, Williams of J. and Winston of the House—55.

Those who voted for *Mr. Goldthwaite*, are messrs. Burney, Creagh, Dent, Dougherty, Fleming, Hudson, Kelly, King, McAlpin, Moores, Oliver, Phillips, Reese, Ross, Toulmin, Walthall, Ward, Watkins and Winston of the Senate; and messrs. Speaker, Alston, Anderson, Baldwin, Banks, Barron, Bridges, Calloway, Campbell, Clarke, Clemens, Cook, Davis of B. Davis of L. Dear, Drane, Dunn, Garrett, Hale, Hatcher, Hubbard, Jackson of B. J. D. Johnson. R. T. Johnston, Lang, McAlpin, McCarty, McGriff, McLemore, McLeod, Miree, Mitchell, Moore of

B. Mudd, Nall, Norman, Oliver, Portis, Snowden, Spruill, Stringer, Tate, Taylor, Todd, Trawick, Turner, Walker, Webb, Whitsitt, Williams of H. and Witherspoon of the House—71.

Mr. Goldthwaite having received a majority of all the votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the Supreme Court for the constitutional term.

The Senate then withdrew.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed joint resolutions relating to the real and personal property belonging to the State Bank and Branches, in which the concurrence of the House is requested.

Mr. Bridges moved to take up the message from the Senate; which was carried.

The bill from the Senate, to revive and continue in force an act entitled an act to authorize the commissioners' court of Butler county, to levy an additional tax

And the joint resolutions from the Senate, for the relief of Lorenzo Walker, and his wife Phereba, of Fayette county, were severally read the first time, and ordered to a second reading.

Mr. Moore of M. presented to the House a statement from the Cashier of the State Bank, showing the amount of State bonds now outstanding, when due, with the amount of interest, &c.

Mr. Humphreys moved that one thousand copies of the statement be ordered to be printed; which was lost.

Mr. Hubbard moved to print three hundred.

Mr. Barker moved to print five hundred; which was carried.

Mr. Huntington presented a memorial from the Trustees of the University, in relation to the debt due by the University to the State Bank.

Mr. Huntington moved to refer to the committee on education, and that one hundred and thirty-three copies be ordered to be printed.

Mr. Bridges called for a division of the question, and it was first taken on referring to the committee, and carried.

The question then recurred on ordering the printing of one hundred and thirty-three, and carried—yeas 46, nays 42.

YEAS—Messrs. Alexander, Alston, Anderson, Baldwin, Banks, Barker, Caffey, Campbell, Clarke, Cook, Dear, Douglass, Drane, Dunn, Hale, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, Martin, McAlpin, McGriff, McLeod, Meriwether, Mitchell, Mudd, Norman, Oliver, Owens, Portis, Reid, Rose, Scruggs, Snowden, Spruill, Steele, Stringer, Sykes, Tate, Todd, Walker, Webb, Whitsitt, Williams of H. and Witherspoon.

NAYS—Messrs. Aldridge, Allen, Barron, Bridges, Calloway, Cobb, Davis of B. Davis of L. Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hatcher, Hefflin, Hendrix, Hill of T. Holstein, Howard, Hubbard, Humphreys, R. T. Johnston, Lankford, McCarty, McLemore, McMillion of B. McMillion of J. Miree, Moore of

M. Morris, Morrisett, Nall, Sandidge, Segar, Storrs, Taylor, Troup, Williams of J. and Winston.

Mr. McLemore offered the following resolution, to wit:

Resolved, That with the concurrence of the Senate, the two Houses will adjourn *sine die* on the tenth day of January next.

Mr. Douglass moved to lay the resolution on the table; which was lost—yeas 21, nays 69.

YEAS—Messrs. Campbell, Cook, Davis of L. Douglass, Harris, Hefflin, Hendrix, Hill of T. Hubbard, Martin, McCartey, McGriff, McLeod, Norman, Owens, Portis, Snowden, Steele, Sykes, Walker and Williams of J.

NAYS—Messrs. Aldridge, Alexander, Allen, Alston, Anderson, Baldwin, Banks, Barker, Barron, Bridges, Bryan, Caffey, Calloway, Clancey, Cobb, Davis of B. Dear, Drane, Dunn, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Hatcher, Holstein, Howard, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, McAlpin, McLemore, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris, Morrisett, Mudd, Nall, Oliver, Rose, Sandidge, Scruggs, Segar, Spruill, Stringer, Storrs, Tate, Taylor, Todd, Trawick, Troup, Webb, Whitsitt, Williams of H. Winston. and Witherspoon.

Mr. Cook moved to postpone the further consideration of the resolution until the first day of January next; which was lost—yeas 31, nays 61:

YEAS—messrs. Alexander, Barker, Bridges, Calloway, Campbell, Clancey, Cook, Davis of L. Douglass, Drane, Garrett, Harris, Hefflin, Hendrix, Hill of T. Hubbard, Lankford, Martin, McCartey, McGriff, McLeod, Mudd, Norman, Owens, Portis, Snowden, Steele, Stringer, Sykes, Trawick and Walker.

NAYS—messrs. Aldridge, Allen, Alston, Anderson, Baldwin, Banks, Barron, Bryan, Caffey, Clarke, Cobb, Davis of B. Dear, Dunn, Evans, Fletcher, Franks, Frazier, Griffin, Hale, Hancock, Hatcher, Holstein, Howard, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnson, Lang, McAlpin, McLemore, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris, Morrisett, Nall, Oliver, Reid, Rose, Sandidge, Scruggs, Segar, Spruill, Storrs, Tate, Taylor, Todd, Troup, Webb, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon.

Mr. Morrisett moved to amend the resolution, by striking out “tenth” and inserting “fifteenth;” which was carried.

The resolution as amended, was then adopted.

Mr. Walker, from the committee on the judiciary, to whom was referred the bill to restrain the jurisdiction of the county courts, reported the same to the House, and recommended its passage.

Mr. Jones of F. moved to lay the bill on the table.

Mr. Martin moved to postpone the bill until Friday next, and make it the special order of that day.

Mr. Moore of M. moved to postpone until the tenth day of January.

Mr. Rose moved to suspend the rule that he might make a report; which was carried.

Thereupon, Mr. Rose made the following report:

The committee on the Penitentiary, to whom was referred a resolution directing the committee to enquire into the expediency of constructing within the walls of the Penitentiary, suitable machinery for the manufacture of bagging and rope, and also to enquire into the expediency of directing the labor of the convicts to the construction and manufacture of said articles, have had the same under consideration, and have instructed me to report, that in the present state of our financial embarrassments, it is inexpedient at this time to legislate upon the subject, and asked to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged.

And the House adjourned until to-morrow, at ten o'clock.

DECEMBER 20th, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the following communication from J. C. Van Dyke, Comptroller, as follows:

COMPTROLLER'S OFFICE, }
DECEMBER 19th, 1843. }

Honorable A. B. Moore,

Speaker of the House of Representatives:

Sir—I have the honor to hand you the accounts of Richard Taylor, and Benjamin D. Cook, which you will please lay before the General Assembly.

[Signed,]

J. C. VAN DYKE.

The accounts were referred to the committee on accounts.

Mr. Snowden presented the petition of Jacob Merrill; which was referred to a select committee consisting of the delegations from Covington and Butler.

Mr. Winston introduced a bill to authorize the formation of a Captain's company, in De Kalb county.

Mr. Frazier introduced a bill to provide for the payment of the interest falling due on the State bonds during the year eighteen hundred and forty-five; which were severally read the first time, and ordered to a second reading.

Mr. Mudd presented the accounts of Joseph Gill; which were referred to the committee on accounts.

Mr. Rose presented the accounts of McAlpin & Warren; which were referred to the committee on accounts.

Mr. Alexander presented the accounts of John S. Kennedy; which were referred to a select committee, consisting of the delegation from Lauderdale.

Mr. Barker introduced a bill to amend an act relating to endorsers.

Mr. Davis introduced a bill to change the time of holding the county court of Limestone county; which were severally read the first time and ordered to a second reading.

Mr. Sykes introduced a bill to authorize the commissioners' court of Madison county, to borrow a sum of money; which was read the first time, and on motion of Mr. Sykes, the rule was suspended, the bill received its second reading forthwith, and on motion of Mr. Sykes, the rule suspended, the bill read the third time forthwith, and passed.

Mr. Sykes introduced joint resolutions, proposing an amendment to the Constitution of the State of Alabama; which was read the first time, and ordered to a second reading.

Mr. Howard presented a presentment of the grand jury of Monroe county, in relation to the fall terms of the circuit court of said county; which was referred to a select committee, consisting of the delegation from the sixth circuit.

Mr. Troup introduced a bill to repeal in part and amend the laws now in force on public roads.

Mr. Caffey presented the account of J. W. Walsh & Co.; which was referred to the committee on accounts.

Leave was granted Mr. Storrs to withdraw the report made by him as chairman of the committee on enrolled bills, on the bill concerning the sixteenth section, of township sixteen, range twenty-nine, in Russell county.

Mr. Scruggs presented the petition of the bar of Sumter county, against abolishing the present chancery system; which was referred to the committee on the judiciary.

Mr. Huntington introduced a bill for the relief of justices of the peace in the city of Tuscaloosa; which was read the first time and ordered to a second reading.

The House resumed the consideration of the bill to repeal an act entitled an act to prevent the sacrifice of real estate; the question pending on Mr. Winston's motion to postpone the bill indefinitely.

The hour of twelve having arrived, Mr. Martin offered the following resolution, which was adopted:

Resolved, That the Senate be now invited into the Hall of the House for the purpose of electing three Inspectors of the Penitentiary, and an Attorney General of the State of Alabama.

The two houses proceeded first to the election of three Inspectors of the Penitentiary.

The names of *William S. Kyle, L. P. Saxon, S. Simmons, John Watson, B. W. Saxon, and D. Lyman Beecher*, being in nomination.

Those who voted for *Mr. Kyle*, are messrs. Arrington, Bishop, Burney, Creagh, Dougherty, Foster, Hardaway, McAlpin, Moores, Oliver, Phillips, Reese, Walker of B. Walker of L. Walthall, Ward, Watkins, Watrous and Wilson of the Senate; and messrs. Alexander, Alston, An-

derson, Baldwin, Banks, Barker, Bridges, Bryan, Caffey, Calloway, Clancey, Clarke, Cobb, Davis of B. Dear, Douglass, Drane, Dunn, Fletcher, Franks, Hale, Hancock, Hatcher, Hefflin, Hill of B. Hill of T. Holstein, Howard, Humphreys, Huntington, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, Lankford, Martin, McAlpin, McGriff, McLeod, McLemore, McMillion of J. Meriwether, Mitchell, Moore of Mad. Morrisett, Mudd, Nall, Oliver, Owens, Portis, Reid, Rose, Sandidge, Segar, Snowden, Spruill, Stringer, Storrs, Sykes, Tate, Taylor, Turner, Walker, Webb, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon of the house—87.

Those who voted for *L. P. Saxon*, are messrs. President, Bishop, Brindley, Creagh, Dent, Fleming, Foster, Kelly, King, Marchbanks, McAlpin, McVay, Oliver, Reese, Ross, Toulmin, Walker of B. Walthall, Ward, Watkins, Watrous, Wilson and Yancey of the Senate; and messrs. Speaker, Aldridge, Allen, Banks, Barron, Bryan, Caffey, Calloway, Clarke, Cobb, Cook, Davis of B. Davis of L. Douglass, Evans, Fletcher, Griffin, Hale, Harris, Hendrix, Hill of B. Holstein, Hubbard, Jackson of A. Jones of F. Lang, Lankford, Martin, McCartney, McLemore, McMillion of B. Meriwether, Miree, Mitchell, Moore of B. Moore of Mad. Mudd, Norman, Owens, Portis, Reid, Sandidge, Scruggs, Snowden, Steele, Stringer, Storrs, Sykes, Tate, Taylor, Todd, Trawick, Turner, Walker, Webb, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon, of the house—83.

Those who voted for *Mr. Simmons*, are messrs. Creagh, Dent, Hardaway, Hudson, King, McClanahan, Moores, Oliver, Ross, Toulmin, Walker of L. Walthall, Ward and Winston of the Senate; and messrs. Speaker, Allen, Alston, Barron, Davis of L. Douglass, Drane, Frazier, Griffin, Hancock, Hatcher, Hill of T., R. T. Johnston, Moore of B. Nall, Oliver, Reid, Scruggs, Spruill, Trawick and Troup of the house—35.

Those who voted for *B. W. Saxon*, are messrs. President, Brindley, Dougherty, Fleming, Hudson, Marchbanks, McClanahan, McVay, Phillips and Yancey of the Senate; and messrs. Aldridge, Alexander, Alston, Anderson, Baldwin, Barker, Bridges, Campbell, Clancey, Clarke, Cobb, Cook, Dear, Dunn, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F. Lang, Martin, McAlpin, McCartney, McGriff, McMillion of B. McMillion of J. Miree, Morris, Portis, Rose, Segar, Steele, Todd and Troup of the house—55.

Those who voted for *Mr. Watson*, are messrs. President, Arrington, Bishop, Burney, Fleming, Foster, Hudson, Kelly, Marchbanks, McClanahan, McVay, Ross, Toulmin, Watkins, Wilson and Yancey of the Senate; and messrs. Aldridge, Alexander, Allen, Anderson, Banks, Bridges, Bryan, Caffey, Campbell, Clancey, Cook, Davis of B. Dunn, Evans, Franks, Garrett, Harris, Hefflin, Hendrix, Hale, Howard, Hubbard, Humphreys, Huntington, Jackson of B. Jones of F., J. D. Johnson, Lang, Lankford, McGriff, McLemore, McLeod, McMillion of B. Moore of B. Morris, Morrisett, Norman, Reid, Rose, Sandidge, Steele, Sykes, Tate, Taylor, Todd, Trawick, Troup, Turner, Walker, Whitsitt, Williams of J. Winston and Witherspoon of the house—69.

Those who voted for *Mr. Beecher*, are messrs. President, Brindley, Burney, Dent, Dougherty, Foster, Kelly, King, McAlpin, Moores, Phillips, Reese, Walker of B. Walker of L. and Watrous of the Senate; and messrs. Speaker, Baldwin, Barker, Barron, Calloway, Campbell, Davis of L. Dear, Drane, Frazier, Garrett, Hale, Hatcher, Hendrix, Howard, Jackson of B., J. D. Johnson, R. T. Johnson, McAlpin, McCarty, McLeod, McMillion of J. Miree, Mitchell, Moore of mad. Morris, Morrisett, Mudd, Nall, Norman, Oliver, Owens, Scruggs, Segar, Snowden Spruill, Stringer, Storrs, Webb and Williams of H.—55.

Messrs. Kyle, Watson, and L. P. Saxon, having received a majority of all the votes given, Mr. Speaker declared them duly elected Inspectors of the Penitentiary, for the time prescribed by law.

The two houses then proceeded to elect an Attorney General for the State of Alabama:

The names of *Benjamin F. Porter, William R. Smith, Robert T. Clyde*, — *Dufreese, Thomas D. Clarke, Henry Stith, and Joseph Phelan, Esqs.* being in nomination.

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney, Dougherty, Oliver, Walker of B. Ward, and Yancey of the Senate; and messrs. Allen, Cobb, Drane, Dunn, Garrett, Heflin, Hendrix, Hill of T. Holstein, Jackson of A. Martin, McLemore, Nall, and Storrs of the house of Representatives—21.

Those who voted for *Mr. Clyde*, are messrs. President, Foster, Moores, Ross, Toulmin and Winston of the Senate; and messrs. Barron, Bryan, Caffey, Clancey, Frazier, Huntington, Lang, Norman, Portis, Sandidge, and Todd of the house—17.

Those who voted for *Mr. Dufreese*, are messrs. Hudson, McClanahan, Phillips, Reese, Watrous, and Wilson of the senate; and messrs. Speaker, Aldridge, Campbell, Davis of B. Davis of L. Evans, Franks, Hill of B. Lankford, McAlpin, McCarty, Miree, Reid, Rose, Segar, Steele, Taylor and Williams of J.—24.

Those who voted for *Mr. Phelan*, are messrs. Fleming and McVay of the senate; and messrs. Alexander, Banks, Calloway, Dear, Douglass, Fletcher, Griffin, Hancock, Humphreys, McGriff, McLeod, McMillion of J. Moore of mad. Owens, Scruggs, Stringer, Sykes, Troup, Turner and Walker of the house—22.

Those who voted for *Mr. Porter*, are messrs. Creagh, Dent and Watkins of the senate; and messrs. Alston, Anderson, Baldwin, Howard, Jackson of B. Mitchell, Moore of B. Morrisett, Oliver, Snowden and Trawick of the house—14.

Those who voted for *Mr. Stith*, are messrs. Arrington, Hardaway, King, McAlpin and Walthall of the senate; and messrs. Hale, J. D. Johnson, R. T. Johnston, Spruill, Webb, Whitsitt, Williams of H. and Witherspoon of the house—13.

Those who voted for *Mr. Smith*, are messrs. Brindley, Kelly, Marchbanks and Walker of L. of the senate; and messrs. Barker, Bridges, Cook, Harris, Hatcher, Hubbard, Jones of F. McMillion of B. Meriwether, Morris, Mudd, Tate, and Winston of the house—13.

Those who voted for *Mr. Porter*, are messrs. Creagh, Dent and Watkins of the senate; and messrs. Alston, Anderson, Baldwin, Howard, Jackson of B. Mitchell, Moore of B. Morrisett, Oliver, Snowden and Trawick of the house—14.

Those who voted for *Mr. Stith*, are messrs. Arrington, Hardaway, King, McAlpin and Walthall of the senate; and messrs. Hale, J. D. Johnson, R. T. Johnston, Spruill, Webb, Whitsitt, Williams of H. and Witherspoon of the house—13.

Those who voted for *Mr. Smith*, are messrs. Brindley, Kelly, Marchbanks and Walker of L. of the senate; and messrs. Barker, Bridges, Cook, Harris, Hatcher, Hubbard, Jones of F. McMillion of B. Meriwether, Morris, Mudd, Tate, and Winston of the house—13.

Neither having received a majority of the votes given, the two houses proceeded to ballot a second time. The same gentlemen being in nomination.

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney, Dougherty, Oliver, Walker of B. Ward and Yancey of the senate; and messrs. Allen, Baldwin, Bryan, Cobb, Dunn, Garrett, Hefflin, Hendrix, Hill of T. Holstein, Jackson of A. Martin, McLemore and Storrs of the house—21.

Those who voted for *Mr. Clyde*, are messrs. President, Foster, Ross and Toulmin of the senate; and messrs. Barron, Caffey, Clancey, Frazier, Huntington, Lang, Norman, Portis, Sandidge and Todd of the house—14.

Those who voted for *Mr. Dufreese*, are messrs. Hudson, Phillips, Reese, Watrous and Wilson of the Senate; and messrs. Speaker, Aldridge, Campbell, Davis of B. Davis of L. Evans, Franks, Hancock, Hill of B. Lankford, McAlpin, McCortey, Miree, Reid, Rose, Segar, Steele, Taylor, Troup, and Williams of J. of the house—25.

Those who voted for *Mr. Phelan*, are messrs. Fleming, McClanahan and McVay of the Senate; and messrs. Alexander, Banks, Dear, Douglass, Fletcher, Griffin, Humphreys, McGriff, McLeod, McMillion of J. Moore of M. Owens, Scruggs, Stringer, Sykes, Turner and Walker of the house—20.

Those who voted for *Mr. Porter*, are messrs. Creagh, Dent, Moores and Watkins of the Senate; and messrs. Alston, Anderson, Drane, Howard, Jackson of B. Mitchell, Moore of B. Morrisett, Nall, Oliver, Snowden and Trawick of the house—16.

Those who voted for *Mr. Stith*, are messrs. Arrington, Hardaway, King, McAlpin and Walthall of the senate; and messrs. Hale, J. D. Johnson, R. T. Johnston, Spruill, Webb, Whitsitt, Williams of H. and Witherspoon—13.

Those who voted for *Mr. Smith*, are messrs. Brindley, Kelly, Marchbanks and Walker of L. of the senate; and messrs. Barker, Bridges, Calloway, Cook, Harris, Hatcher, Hubbard, Jones of F. McMillion of B. Meriwether, Morris, Mudd, Tate and Winston of the house—18.

Neither having received a majority of all the votes given, the two

houses proceeded to vote again. The same gentlemen being in nomination.

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney, Dougherty, Fleming, Oliver, Walker of B. and Yancey of the senate; and messrs. Bryan, Cobb, Dunn, Garrett, Hefflin, Hendrix, Hill of T. Holstein, Jackson of A. Jones of F. and Martin of the house—18.

Those who voted for *Mr. Clyde*, are messrs. Foster, Ross, Toulmin and Winston of the senate; and messrs. Barron, Caffey, Clancey, Frazier, Lang, McLemore, Norman, Portis, Sandidge and Todd of the house—14.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Hudson, McClanahan, Moores, Phillips, Reese, Ward, Watrous and Wilson of the senate; and messrs. Speaker, Aldridge, Allen, Campbell, Davis of B. Davis of L. Evans, Franks, Hancock, Hill of B. Lankford, McAlpin, McCartney, Miree, Reid, Rose, Scruggs, Segar, Steele, Tate, Taylor, Troup and Williams of J. of the house—23.

Those who voted for *Mr. Phelan*, are messrs. President, Hardaway, and McVay of the senate; and messrs. Alexander, Banks, Calloway, Dear, Douglass, Fletcher, Griffin, Humphreys, McGriff, McLeod, McMillion of J. Moore of mad. Owens, Stringer, Turner and Walker of the house—19.

Those who voted for *Mr. Porter*, are messrs. Creagh, Dent and Watkins of the senate; and messrs. Alston, Anderson, Baldwin, Drane, Howard, Jackson of B. Mitchell, Moore of B. Morrisett, Nall, Oliver and Snowden of the house—15.

Those who voted for *Mr. Stith*, are messrs. King, McAlpin and Walthall of the senate; and messrs. Hale, Hatcher, J. D. Johnson, R. T. Johnson, Spruill, Webb, Whitsitt, Williams of H. and Witherspoon of the house—12.

Those who voted for *Mr. Smith*, are messrs. Brindley, Kelly, Marchbanks and Walker of L. of the senate; and messrs. Barker, Bridges, Cook, Harris, Hubbard, Huntington, McMillion of B. Meriwether, Morris, Mudd and Winston of the house—15.

Neither having received a majority of all the votes given, the two houses proceeded to vote again. The names of the same gentlemen being in nomination:

Those who voted for *Mr. Clarke*, are messrs. Bishop, Birney, Dougherty, Foster, Oliver, Walker of B. and Yancey of the senate; and messrs. Bridges, Bryan, Cobb, Drane, Dunn, Garrett, Hale, Hendrix, Hill of T. Holstein, Hubbard, Jackson of A. Jones of F. Martin, Portis, Whitsitt and Winston of the house—24.

Those who voted for *Mr. Clyde*, are messrs. Winston of the senate, and messrs. Barron, Clancey, Frazier, Hefflin, Lang, McLemore, Norman, Sandidge, Sykes and Todd of the house—10.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Hudson, McClanahan, Phillips, Reese, Ward, Watrous and Wilson of the senate; and messrs. Speaker, Aldridge, Allen, Calloway, Campbell, Davis of B. Davis of L. Evans, Franks, Hancock, Hill of B. Humphreys, Lankford,

Those who voted for *Mr. Smith*, are messrs. Brindley, Kelly and Marchbanks of the senate; and messrs. Barker, Cook, Harris, Hatcher, Huntington, Meriwether and Mudd of the house—10.

Neither having received a majority of all the votes given, the two houses proceeded to vote a fifth time. The same gentlemen being in nomination.

Those who voted for *Mr. Clarke*, are Messrs Bishop, Burney, Oliver, Walker of B. Winston and Yancey of the senate; and messrs. Baldwin, Bryan, Calloway, Cobb, Drane, Dunn, Garrett, Hale, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Jackson of A. Jones of F. Martin, Storrs, Whitsitt and Winston of the house—25.

Those who voted for *Mr. Clyde*, are messrs. Barron, Frazier, Huntington, Lang, McLemore, Norman, Sandridge, Sykes and Todd of the house—9.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Hudson, Kelly, McClanahan, Phillips, Reese, Ward, Watrous and Wilson of the senate; and messrs. Speaker, Aldridge, Allen, Campbell, Davis of B. Davis of L. Evans, Franks, Hancock, Hill of B. Lankford, McAlpin, McCarty, Miree, Reid, Rose, Steele, Tate, Taylor, Troup and Williams of J. of the house—30.

Those who voted for *Mr. Phelan*, are messrs. President, Fleming, McVay, Ross, Toulmin and Walker of L. of the senate; and messrs. Alexander, Binks, Clancey, Deer, Douglass, Fletcher, Griffin, Humphreys, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Moore of M. Owens, Portis, Scruggs, Segar, Stringer, Turner and Walker of the house—27.

Those who voted for *Mr. Porter*, are messrs. Creagh, Dent, Dougherty, Hardaway, Moores and Watkins of the senate; and messrs. Alston, Anderson, Howard, Jackson of B. Mitchell, Moore of B. Morrisett, Mudd, Nall, Oliver, Snowden and Trawick of the house—18.

Those who voted for *Mr. Stith*, are messrs. King, McAlpin and Walthall of the senate; and messrs. J. D. Johnson, R. T. Johnston, Spruill, Webb, Williams of H. and Witherspoon of the house—9.

Those who voted for *Mr. Smith*, are messrs. Brindley and Marchbanks of the senate; and messrs. Barker, Bridges, Caffey, Cook, Harris, Hatcher and Morris of the house—9.

Neither having received a majority of all the votes given, the two houses proceeded to vote a sixth time.

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney, Dougherty, Foster, Hardaway, Oliver, Walker of B. and Yancey of the Senate; and messrs. Anderson, Baldwin, Bryan, Cobb, Drane, Dunn, Garrett, Hale, Harris, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Jackson of A. Jones of F. Martin, Storrs, Whitsitt and Winston of the house—28.

Those who voted for *Mr. Clyde*, are messrs. Barron, McLemore, Norman, Sykes and Todd of the house—5.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Hudson, Kelly, McClanahan, McVay, Phillips, Reese, Walthall, Ward, Watrous and Wilson of the Senate; and messrs. Speaker, Aldridge, Allen, Calloway, Campbell, Davis of B. Davis of L. Evans, Franks, Hancock, Hill

of B. Lankford, McAlpin, McCartney, Miree, Reid, Rose, Segar, Steele, Tate, Taylor, Troup and Williams of J. of the House—34.

Those who voted for *Mr. Phelan*, are messrs. President, Brindley, Fleming, Marchbanks, Toulmin and Walker of L. of the senate; and messrs. Alexander, Banks, Caffey, Clancey, Dear, Douglass, Fletcher, Frazier, Griffin, Humphreys, Jackson of B. McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of M. Owens, Portis, Sardidge, Scruggs, Stringer, Turner and Walker of the house—31.

Those who voted for *Mr. Porter*, are messrs. Creagh, Dent and Watkins of the senate; and messrs. Alston, Howard, Moore of B. Morrisett, Mudd, Nall, Oliver, Snowden and Trawick of the house—12.

Those who voted for *Mr. Stith*, are Messrs. King, McAlpin, Moores, Ross and Winston of the senate; and messrs. J. D. Johnson, R. T. Johnston, Spruill, Webb, Williams of H. and Witherspoon of the house—11.

Those who voted for *Mr. Smith*, are messrs. Barker, Bridges, Cook, Hatcher, Huntington and Morris of the house—6.

Neither having received a majority of the votes given, the two houses proceeded to ballot a seventh time. The name of *Mr. Porter* having been withdrawn.

Those who voted for *Mr. Clayke*, are messrs. Bishop, Burney, Foster, Hardaway, Oliver, Walker of B. Ward, Winston and Yancey of the senate; and messrs. Anderson, Baldwin, Bridges, Bryan, Cobb, Drane, Garrett, Hale, Harris, Hefflin, Hendrix, Hill of T. Holstein, Howard, Hubbard, Jackson of A. Jones of F. Martin, Morrisett, Nall, Oliver, Snowden, Storrs, Whitsitt, Winston and Witherspoon of the house—35.

Those who voted for *Mr. Clyde*, are messrs. Barron, R. T. Johnston, Ling, McLemore, Norman, Portis, Sykes and Todd of the house—8.

Those who voted for *Mr. Dufrese*, are messrs. Arrington, Creagh, Hudson, Kelly, McClanahan, McVay, Phillips, Ross, Walhall, Watrous and Wilson of the senate; and messrs. Speaker, Aldridge, Allen, Calloway, Campbell, Davis of B. Evans, Franks, Hancock, Hill of B. Jackson of B., J. D. Johnson, Lankford, McAlpin, McCartney, Miree, Reid, Rose, Segar, Steele, Tate, Taylor, Trawick, Troup, and Williams of J. of the house—35.

Those who voted for *Mr. Phelan*, are messrs. President, Brindley, Dent, Fleming, Marchbanks, Moores, Toulmin, Walker of L. and Watkins of the senate; and messrs. Alexander, Banks, Caffey, Clancey, Dear, Douglass, Fletcher, Frazier, Griffin, Humphreys, Huntington, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of B. Moore of M. Morris, Mudd, Owens, Sandidge, Scruggs, Stringer, Turner, and Walker of the house—36.

Those who voted for *Mr. Stith*, are messrs. King and McAlpin of the senate; and messrs. Spruill, Webb and Williams of H. of the house—5.

Those who voted for *Mr. Smith*, are messrs. Barker, Cook and Hatcher of the house—3.

Neither having received a majority of the votes given, the names of Messrs. *Stith* and *Clyde* having been withdrawn—the two houses proceeded to ballot the eighth time:

Those who voted for *Mr. Phelan*, are messrs. President, Brindley, Dent, Fleming, Marchbanks, Moores, Toulmin, Walker of L. and Watkins of the senate; and messrs. Alexander, Banks, Caffey, Clancey, Dear, Douglass, Fletcher, Frazier, Griffin, Humphreys, Huntington, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of B. Moore of M. Morris, Mudd, Owens, Sandidge, Scruggs, Stringer, Turner, and Walker of the house—36.

Those who voted for *Mr. Stith*, are messrs. King and McAlpin of the senate; and messrs. Spruill, Webb and Williams of H. of the house—5.

Those who voted for *Mr. Smith*, are messrs. Barker, Cook and Hatcher of the house—3.

Neither having received a majority of the votes given, the names of *Messrs. Stith* and *Clyde* having been withdrawn—the two houses proceeded to ballot the eighth time:

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney, Dougherty, Foster, Hardaway, McAlpin, Oliver, Walker of B. Winston and Yancey of the senate; and messrs. Anderson, Baldwin, Bridges, Bryan, Cobb, Drane, Dunn, Garrett, Hale, Harris, Hefflin, Hendrix, Hill of T. Holstein, Howard, Hubbard, Jackson of A. Lang, Martin, McLemore, Nall, Oliver, Portis, Snowden, Storrs, Todd, Troup, Webb, Whitsitt, Winston and Witherspoon of the house—42.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Creagh, Hudson, Kelly, King, McClanahan, McVay, Phillips, Ross, Walthall Ward, Watrous and Wilson of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Barron, Calloway, Campbell, Davis of B. Davis of L. Evans, Franks, Hancock, Hill of B., J. D. Johnson, Lankford, McAlpin, Miree, Reid, Rose, Spruill, Steele, Tate, Taylor, Trawick and Williams of J. of the house—39.

Those who voted for *Mr. Phelan*, are messrs. President, Brindley, Dent, Fleming, Marchbanks, Moores, Toulmin, Walker of L. and Watkins of the senate; and messrs. Banks, Caffey, Clancey, Dear, Douglass, Fletcher, Frazier, Griffin, Humphreys, Jackson of B., R. T. Johnston, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of B. Moore of M. Mudd, Owens, Sandidge, Scruggs, Stringer, Sykes, Turner, Walker and Williams of H. of the house—36.

Those who voted for *Mr. Smith*, are messrs. Barker, Cook, Hatcher, Huntington, Morris and Norman of the house—6.

Neither having received a majority of the votes given, the two houses proceeded to ballot the ninth time:

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney, Dougherty, Foster, Hardaway, McAlpin, McClanahan, Oliver, Walker of B. Walker of L. Winston and Yancey of the senate; and messrs. Anderson, Baldwin, Bridges, Bryan, Campbell, Cobb, Drane, Garrett, Hale, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Jackson of A. Jones of F. Lang, Martin, McLemore, Nall, Oliver, Snowden, Storrs, Todd, Webb, Whitsitt, Winston and Witherspoon of the house—41.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Creagh, Hudson, Kelly, King, McVay, Moores, Phillips, Ross, Walthall, Ward, Watrous and Wilson of the Senate; and messrs. Speaker, Aldridge,

Allen, Barron, Caffey, Davis of B. Davis of L. Evans, Franks, Hancock, Hill of B. Jackson of B., J. D. Johnson, Lankford, McAlpin, McCartney, Miree, Reid, Rose, Segar, Spruill, Steele, Tate, Taylor, Trawick, Williams of H. and Williams of J. of the House—40.

Those who voted for *Mr. Phelan*, are messrs. President, Dent, Fleming, Marchbanks, Toulmin, and Watkins of the Senate; and messrs. Alexander, Banks, Calloway, Clancey, Dear, Douglass, Fletcher, Frazier, Griffin, Howard, Humphreys, Huntington, R. T. Johnston, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Moore of B. Moore of mad. Morris, Morrisett, Mudd, Owens, Portis, Sandidge, Scruggs, Stringer, Sykes, Troup, Turner and Walker of the House—39.

Those who voted for *Mr. Smith*, are messrs Brindley of the senate; and messrs Barker, Cook, Harris, Hatcher, and Norman of the house—6

Neither having received a majority of the votes given, the two houses proceeded to ballot a tenth time:

Those who voted for *Mr. Clarke*, are messrs Bishop, Burney, Dougherty, Foster, Hardaway, McAlpin, Oliver, Walker of B. Walker of L. Winston and Yancey of the Senate; and messrs. Anderson, Baldwin, Bridges, Bryan, Cobb, Drane, Dunn, Garrett, Hale, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Jackson of A., Jackson of B. Jones of F. Martin, McLemore, Nall, Oliver, Portis, Snowden, Todd, Webb, Whittitt, Winston and Witherspoon of the house—37.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Creagh, Hudson, Kelly, King, McVay, Phillips, Ross, Walthall, Ward and Wilson of the Senate; and messrs. Speaker, Aldridge, Allen, Barron, Caffey, Campbell, Davis of B. Davis of L. Franks, Hancock, Hill of B., J. D. Johnson, Lankford, McAlpin, McCartney, Miree, Reid, Rose, Segar, Spruill, Steele, Trawick and Williams of J. of the House—34.

Those who voted for *Mr. Phelan*, are messrs President, Brindley, Dent, Fleming, Marchbanks, McClanahan, Moores, Toulmin, Watkins and Wilson of the senate; and messrs Alexander, Banks, Calloway, Clancey, Dear, Douglass, Fletcher, Frazier, Griffin, Humphreys, Huntington, R. T. Johnston, Lang, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of mad. Morris, Mudd, Owens, Sandidge, Scruggs, Stringer, Sykes, Tate, Troup, Turner, Walker and Williams of the house—42.

Those who voted for *Mr. Smith*, are messrs Barker, Cook, Harris and Norman of the house—4.

The Senate then withdrew.

F. Bugbee, a Representative from the county of Montgomery, appeared within the Hall of the House, was qualified, and took his seat.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed a bill entitled an act to cancel a contract of sale of a certain sixteenth section in Russell county; in which the concurrence of the House is requested.

The call of counties having been suspended, the House resumed the consideration of the bill to repeal an act entitled an act to prevent the

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Creagh, Hudson, King, McAlpin, McVay, Moores, Phillips, Reese, Ross, Walthall, Ward, Watrous and Wilson of the Senate; and messrs. Speaker, Aldridge, Allen, Barron, Davis of B. Evans, Franks, Hancock, Hill of B., J. D. Johnson, Lankford, McAlpin, McCarty, Miree, Reid, Rose, Segar, Spruill, Steele, Taylor, Williams of H. and Williams of J. of the house—36.

Those who voted for *Mr Phelan*, are messrs President, Dent, Fleming, McClanahan, Toulmin and Watkins of the senate; and messrs. Alexander. Banks, Caffey, Dear, Douglass, Fletcher, Frazier, Harris, Hatcher, Howard, Humphreys, Huntington, R. T. Johnston, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of M. Mudd, Owens, Portis, Sandidge, Scruggs, Stringer, Turner and Walker of the house—34.

Those who voted for *Mr Smith*, are messrs Brindley, Kelly and Marchbanks of the senate; and messrs Barker, Bridges, Calloway, Cook, Jackson of B. Jones of F. Morris. Norman and Tate of the house—12.

Mr Alston of the House voted for *Mr Porter*.

Neither having received a majority of the votes given, the two houses proceeded to ballot a second time:

Those who voted for *Mr. Clarke*, are messrs Bishop, Burney, Dougherty, Foster, Hardaway, King, McAlpin, Oliver, Walker of B. Walker of L. Winston and Yancey of the Senate; and messrs Anderson, Baldwin, Clancey, Cobb, Davis of L. Drane, Dunn, Garrett, Hale, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Jackson of A. Jackson of B. Jones of F. Martin, McLemore, Moore of B. Moore of M. Nall, Oliver, Snowden, Storrs, Tate, Trawick, Troup, Webb, Whitsitt, Winston and Witherspoon of the House—44.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Creagh, Hudson, Kelly, McClanahan, McVay, Moores, Phillips, Reese, Ross, Toulmin, Walthall, Ward, Watrous and Wilson of the Senate; and messrs. Speaker, Aldridge, Allen, Barron, Campbell, Davis of B. Evans, Franks, Hancock, Hill of B., J. D. Johnson, Lankford, McAlpin, McCarty, Miree, Reid, Rose, Segar, Spruill, Steele, Taylor, Williams of H. and Williams of J. of the house—38.

Those who voted for *Mr Phelan*, are messrs President, Brindley, Dent and Fleming of the senate; and messrs Alexander. Banks, Caffey, Calloway, Dear, Douglass, Fletcher, Frazier, Humphreys, R. T. Johnston, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Mudd, Owens, Portis, Sandidge, Scruggs, Todd, Turner and Walker of the House of Representatives—29.

Those who voted for *Mr Smith*, are messrs Marchbanks and Watkins of the senate; and messrs Barker, Bridges, Cook, Griffin, Harris, Hatcher, Howard, Huntington, Morris, Morrisett and Norman of the house—14.

Neither having received a majority of the votes given, the two houses proceeded to ballot a third time:

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney,

Dougherty, Foster, Hardaway, King, McAlpin, Oliver, Walker of B. Walker of L. Winston and Yancey of the Senate; and messrs. Anderson, Baldwin, Bridges, Campbell, Clemens, Cobb, Davis of L. Drane, Dunn, Garrett, Griffin, Hale, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Humphreys, Jackson of A. Jackson of B. Jones of F. Lang, Martin, McLemore, Moore of B. Moore of M. Nall, Oliver, Snowden, Storrs, Tate, Todd, Trawick, Troup, Webb, Whitsitt, Williams of H. Winston and Witherspoon of the House—51.

Those who voted for *Mr. Dufreese*, are messrs. Arrington, Brindley, Creagh, Hudson, Kelly, McClanahan, McVay, Moores, Phillips, Reese, Ross, Toulmin, Walthall, Ward, Watrous and Wilson of the Senate; and messrs. Speaker, Aldridge, Allen, Barron, Bugbee, Davis of B. Franks, Hancock, Hill of B., J. D. Johnson, Lankford, McAlpin, McCarty, Miree, Reid, Rose, Segar, Spruill, Steele and Williams of J. of the House.—36.

Those who voted for *Mr. Phelan*, are messrs President, Dent and Fleming of the senate; and messrs Alexander, Banks, Clancey, Dear, Douglass, Fletcher, Frazier, R. T. Johnston, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Mudd, Owens, Portis, Sandidge, Scruggs, Stringer, Sykes, Turner and Walker of the House—26.

Those who voted for *Mr. Smith*, are messrs Marchbanks and Watkins of the senate; and messrs Barker, Caffey, Calloway, Harris, Hatcher, Howard, Huntington, Morris, Morrisett, and Norman of the house.—13.

Mr Alston voted for Mr *Porter*.

Neither having received a majority of the votes given, the two houses proceeded to ballot a fourth time—the name of Mr *Phelan* having been withdrawn.

Those who voted for *Mr. Clarke*, are messrs. Bishop, Burney, Dougherty, Fleming, Foster, Hardaway, King, Oliver, Walker of B. Walker of L. Watkins, Winston and Yancey of the Senate; and messrs. Anderson, Baldwin, Bridges, Campbell, Clemens, Cobb, Dear, Drane, Dunn, Garrett, Hale, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Humphreys, Jackson of A. Jackson of B. Jones of F., R. T. Johnston, Lang, Martin, McGriff, McLemore, McMillion of B. Moore of B. Moore of M. Mudd, Nall, Oliver, Portis, Sandidge, Scruggs, Snowden, Stringer, Storrs, Tate, Todd, Trawick, Troup, Walker, Webb, Whitsitt, Williams of H. Winston and Witherspoon of the House—60.

Those who voted for *Mr. Dufreese*, are messrs. President, Arrington, Brindley, Creagh, Dent, Hudson, Kelly, McAlpin, McClanahan, McVay, Moores, Phillips, Reese, Ross, Toulmin, Walthall, Ward, Watrous and Wilson of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Barron, Bugbee, Calloway, Clancey, Davis of B. Evans, Fletcher, Franks, Frazier, Griffin, Hancock, Hill of B. J. D. Johnson, Lankford, McAlpin, McCarty, McMillion of J. Miree, Mitchell, Owens, Reid, Rose, Segar, Spruill, Steele, Taylor and Williams of J. of the House—50.

Those who voted for Mr *Smith*, are messrs Marchbanks of the senate;

messrs Banks, Barker, Caffey, Cook, Harris, Hatcher, Howard, Huntington, McLeod, Meriwether, Morris, Morrisett, Norman, Sykes and Turner of the house—16.

Mr Alston voted for Mr *Porter*.

Mr Douglass voted for Mr *Phelan*.

Neither having received a majority of the votes given, and the name of Mr. *Smith* having been withdrawn, the two Houses proceeded to ballot a fifth time.

Those who voted for Mr. *Clarke*, are messrs. Bishop, Burney, Dougherty, Fleming, Foster, Hardaway, King, Walker of Benton, Walker of Lawrence, Watkins, Winston and Yancey, of the Senate; and messrs Anderson, Baldwin, Barker, Bridges, Caffey, Campbell, Clemens, Cobb, Cook, Davis of L., Dear, Drane, Dunn, Garrett, Griffin, Hale, Heflin, Hendrix, Hill of T., Holstein, Hubbard, Humphreys, Jackson of A, Jackson of B, Jones of F, R. T. Johnston, Lang, Martin, McGriff, McLemore, McLeod, McMillion of B, Moore of B, Moore of M. Mudd, Nall, Oliver, Portis, Sandidge, Scruggs, Snowden, Stringer, Storrs, Sykes, Todd, Trawick, Troup, Turner, Walker, Webb, Whitsitt, Winston and Witherspoon, of the house.

Those who voted for Mr. *Dufreese*, are messrs. President, Arrington, Brindley, Creagh, Dent, Hudson, Kelly, Marchbanks, McAlpin, McClanahan, McVay, Moores, Phillips, Reese, Ross, Toulmin, Walthall, Ward, Watrous and Wilson, of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Banks, Barron, Bugbee, Calloway, Clancey, Davis of B, Douglass, Evans, Fletcher, Franks, Frazier, Hancock, Harris, Hatcher, Hill of B., Howard, Huntington, J. D. Johnson, Lankford, McAlpin, McCarty, McMillion of J., Meriwether, Miree, Mitchell, Morris, Morrisett, Norman, Owens, Reid, Rose, Segar, Spruill, Steele, Tate, Taylor, Williams of H., Williams of J—62.

Mr. Alston voted for Mr *Porter*.

Mr. *Clarke* having received a majority of the votes given, was declared by the Speaker duly and constitutionally elected for the term prescribed by the Constitution, Attorney General of the State of Alabama.

The Senate then withdrew.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed a bill entitled an act to cancel a contract of sale of a certain sixteenth section in Russell county; in which the concurrence of the House is requested.

The call of counties having been suspended, the House resumed the consideration of the bill to repeal an act entitled an act to prevent the sacrifice of real estate; the question pending on Mr. Winston's motion to postpone the bill indefinitely.

The hour of twelve having arrived, the Senate were invited into the Hall of the House, and the two houses proceeded to elect a solicitor for the second judicial circuit, *Franklin K. Beck* and *Thomas J. Judge* being in nomination.

Those who voted for Mr. *Beck*, are messrs. President, Brindley, Creagh, Fleming, Hudson, Marchbanks, McClanahan, McVay, Ross, Toulmin, Winston and Yancey of the senate; and messrs. Speaker, Al-

dridge, Alexander, Allen, Banks, Barker, Bridges, Clancey, Cobb, Cook, Dear, Douglass, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F., R. T. Johnston, Lang, Lankford, Martin, McCarty, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Moore of B. Morris, Norman, Portis, Reid, Sandidge, Steele, Stringer, Sykes, Tate, Todd, Troup, Turner, Walker, Webb, Whitsitt, Williams of J. Winston and Witherspoon of the house—72.

Those who voted for *Mr. Judge*, are Messrs. Arrington, Bishop, Burney, Dent, Dougherty, Foster, Hardaway, Kelly, King, McAlpin, Moores, Oliver, Phillips, Reese, Walker of B. Walthall, Ward, Watkins, Watrous and Wilson of the Senate; and messrs. Alston, Anderson, Baldwin, Barron, Bugbee, Caffey, Calloway, Campbell, Clarke, Davis of B. Davis of L. Drane, Dunn, Hale, Hatcher, Howard, Jackson of B. J. D. Johnson, McAlpin, McLemore, Mitchell, Moore of M. Morrisett, Mudd, Nall, Oliver, Owens, Rose, Scruggs, Segar, Snowden, Spruill, Storrs, Taylor, Trawick, and Williams of H. of the House—56.

Mr. Beck having received a majority of all the votes given, was, by *Mr. Speaker*, declared duly and constitutionally elected Solicitor of the second Judicial Circuit, for the term prescribed by the constitution.

The Senate then withdrew.

And the House then resumed the consideration of the bill to repeal an act entitled an act to prevent the sacrifice of real estate.

Mr. Davis of L. moved the previous question, which was not sustained.

The question then recurred on the motion of *Mr. Winston* to postpone indefinitely.

The motion to postpone indefinitely was lost—yeas, 44, nays, 48.

YEAS—Messrs. Aldridge, Alexander, Allen, Barker, Bridges, Caffey, Calloway, Clancey, Clarke, Cobb, Cook, Douglass, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Hill of T. Holstein, Hubbard, Humphreys, Jackson of A. Lankford, McAlpin, McCarty, McGriff, McLeod, McMillion of B. Moore of M. Norman, Sandidge, Steele, Stringer, Storrs, Todd, Trawick, Troup, Whitsitt, Williams of J. and Winston.

NAYS—Messrs. Speaker, Alston, Anderson, Baldwin, Banks, Barron, Bugbee, Campbell, Davis of L. Dear, Drane, Dunn, Evans, Hale, Harris, Hatcher, Hefflin, Hill of B. Howard, Huntington, Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Martin, McLemore, McMillion of J. Meriwether, Miree, Mitchell, Morris, Morrisett, Mudd, Nall, Oliver, Rose, Scruggs, Segar, Snowden, Spruill, Sykes, Tate, Taylor, Turner, Walker, Webb and Witherspoon.

The question was then taken on ordering the bill to a third reading, and lost—yeas 46, nays 47.

YEAS—Messrs. Speaker, Alston, Anderson, Baldwin, Banks, Barker, Barron, Campbell, Davis of L. Dear, Drane, Dunn, Evans, Hale, Harris Hatcher, Hefflin, Howard, Huntington, Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Martin, McLemore, McMillion of J. Meriwether, Miree, Mitchell, Morris, Morrisett, Mudd, Nall, Oliver,

Portis, Scruggs, Segar, Snowden, Spruill, Sykes, Tate, Taylor, Walker, Webb and Witherspoon.

NAYS—Messrs. Aldridge, Alexander, Allen, Bridges, Caffey, Callo-way, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B. Douglass, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Jackson of A. Lankford, McAlpin, McCartney, McGriff, McLeod, McMillion of B. Moore of M. Norman, Reid, Rose, Sandidge, Steele, Stringer, Storrs, Todd, Trawick, Troup, Turner, Whitsitt, Williams of H. Williams of J. and Winston.

The House refused to order the bill to a third reading.

A message from the Senate by Mr. Clitherall:

Mr. Speaker—The Senate has passed a bill to cancel the contract of sale of a certain sixteenth section in Russell county, in which the concurrence of the House is requested.

The following message was also received from the Senate by Mr. Clitherall:

Mr. Speaker—The Senate has passed bills from the House of Representatives of the following titles:

An act for the relief of Benjamin Magonisk:

An act for the relief of John M. Jackson:

And an act for the relief of the Methodist Episcopal Church, at Mountain Spring camp ground, in Jackson county.

The Senate has also passed the following bills, to wit:

An act to compensate the Sheriff of Sumter county for ex officio services:

An act to authorize Abraham Shanklin to emancipate a certain slave therein named:

An act relating to the duties of clerks of courts and registers in chancery in Sumter county:

An act to rescind a certain contract therein described, made between Meshack Turner and the school commissioners of township nineteen, range twenty-five, in the Tallapoosa land district:

And an act in relation to certain escheated property in the county of Dallas; which latter bills originated in the Senate.

It being fifteen minutes to two o'clock, Mr. Martin moved that the House do now adjourn until to-morrow morning, ten o'clock; which was carried—yeas 46, nays 45.

YEAS—Messrs. Alexander, Allen, Alston, Barker, Caffey, Clarke, Coob, Cook, Davis of B. Davis of L. Dear, Douglass, Drane, Evans, Fletcher, Garrett, Hill of B. Holstein, Hubbard, Jackson of A. Jackson of B. Jones of F. Lang, Martin, McAlpin, McCartney, McGriff, Miree, Mitchell, Mudd, Norman, Oliver, Owens, Reid, Scruggs, Steele, Storrs, Tate, Todd, Trawick, Turner, Walker, Webb, Williams of J. and Witherspoon.

NAYS—Messrs. Aldridge, Baldwin, Banks, Barron, Bridges, Callo-way, Campbell, Clancey, Dunn, Franks, Frazier, Griffin, Hale, Hancock, Harris, Hatcher, Hefflin, Hendrix, Hill of T. Howard, Humphreys, Huntington, J. D. Johnson, R. T. Johnston, Lankford, McLe-more, McMillion of B. McMillion of J. Meriwether, Moore of M. Mor-

ris, Morrisett, Nall, Portis, Rose, Sandidge, Segar, Snowden. Spruill, Sykes, Stringer, Taylor, Troup, Whitsitt, Williams of H. and Winston. And the House adjourned.

DECEMBER 22d, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the following communication from J. C. Van Dyke, Comptroller, as follows:

COMPTROLLER'S OFFICE, }
DECEMBER 21st, 1843. }

Honorable A. B. Moore, Speaker of the House of Representatives:

Sir—I hand you the account of John F. Conally, Sheriff of Dallas county, which you will please lay before the General Assembly; and also the account of Perry E. Brocchus.

[Signed.]

J. C. VAN DYKE.

Mr. Jackson of B. introduced a bill to test the people of Barbour county on the removal of the seat of justice from Clayton to Eufaula.

Also a bill relating to assessors in Barbour county.

Mr. Jackson of B. introduced a bill to regulate the working of roads in this State; which were severally read the first time, and ordered to a second reading.

Mr. Jackson of B. introduced a bill to regulate the advertising of sheriffs', coroners', registers' and administrators' sales of land and slaves, in this State; which was read the first time, and the House refused to order it to a second reading.

Mr. Jackson of B. presented the petition of Judge S. Williams, of Barbour county, for a horse; which was referred to the committee on propositions and grievances.

Mr. Davis of B. presented the account of Wm. Nichols; which was referred to the committee on accounts.

Mr. Hendrix introduced a bill concerning the payment of fines and forfeitures in the county of Cherokee.

Mr. Snowden introduced a bill to fix permanently the court house of Covington county.

Mr. Snowden introduced a bill to authorize the Judge of the county court of Covington county to rescind certain notes, and for other purposes.

Mr. Snowden introduced a bill to receive jury certificates only in payment of taxes.

Mr. Hale introduced a bill for the relief of Isaiah J. Kirksey.

Mr. Hale introduced a bill to prescribe the fees of Judges of the county courts; which were severally read the first time, and ordered to a second reading.

Mr. Webb presented the petition of John Nelson and others; which was referred to the committee on roads, bridges and ferries.

Mr. Hale introduced a bill in relation to the issuance of Judicial attachments.

Mr. Frazier introduced a bill to discontinue the appointment of commissioners to examine the State Bank and Branches.

Mr. Frazier introduced a bill to authorize the sale of the State stock in the Mobile Bank; which were severally read the first time, and ordered to a second reading.

Mr. Bridges, from the committee on ways and means, to whom was referred so much of the Governor's message as relates to the mode of assessing tax on lands; and to whom, also, other references have been made on the subject under consideration, reported a bill to raise a revenue for the support of the State Government, and to maintain the faith and credit of the State of Alabama; which was read the first and second times forthwith.

Mr. Barron moved that the bill be made the special order for Thursday next, and that one hundred and thirty-three copies be ordered to be printed.

Mr. Clemens moved that the bill be laid on the table, and that one hundred and thirty-three copies be ordered to be printed.

Mr. Portis called for a division of the question, which was first taken on laying on the table and carried.

The question was then taken on ordering the printing of one hundred and thirty-three copies, and carried.

The House then resumed the consideration of the bill to restrain the jurisdiction of the county courts,—the question pending on the motion of Mr. Moore of M. to postpone until the tenth day of January.

Mr. Moore withdrew his motion, and moved that the further consideration of the bill be postponed until the first day of January, which was carried.

Mr. Barker, from the committee on enrolled bills, reported as correctly enrolled—

An act to compensate tales jurors in St. Clair county;

An act to authorize the laying a special tax to build a court house in the county of St. Clair;

An act to compensate the commissioners of roads and revenue in Russell county:

An act explanatory of an act to regulate the State Bank of Alabama, and for other purposes, approved February fourteenth, eighteen hundred and forty-three:

An act for the relief of John M. Jackson:

An act for the relief of Benjamin Magonisk:

An act for the relief of the Methodist Episcopal Church at Mountain Spring Camp Ground, in Jackson county:

An act to repeal in part a certain act therein named, and for other purposes.

Mr. Moore of M. from the committee on the State Bank and Branches, to whom was referred a bill to reduce the number of Directors and officers of the several Branch Banks of the State of Alabama, reported a substitute in lieu of the original bill, and recommended its passage.

The bill and amendments were postponed until Wednesday next, and made the special order for that day.

Mr. Barron, from the committee on ways and means, to whom was referred a bill to provide for the assessment and collection of taxes, reported the same to the House as inexpedient to pass.

On motion of Mr. Barron, the report was laid on the table.

On motion of Mr. Martin, the bill was referred to a select committee, to consist of seven members.

Mr. Davis of L. moved to instruct the committee to report a general bill, providing for the appointment of one assessor in each county, which was lost.

Mr. Walker, from the committee on the judiciary, to whom was referred a bill to secure to *femes covert* their individual property, reported a substitute, in lieu of the original bill, and recommended its passage.

The original bill and substitute were made the special order of the day for Thursday, the twenty-eighth day of December, and one hundred and thirty-three copies of the substitute ordered to be printed.

Mr. Rose, from the select committee, to whom was referred the petition of sundry citizens of Wetumpka, in relation to the charter of said town, reported a bill to alter and amend an act incorporating the city of Wetumpka, and establishing a city court therein; which was read the first time, and ordered to a second reading.

The hour of twelve having arrived, the Senate were invited into the hall of the House for the purpose of electing a Judge for the third, a Judge for the eighth, a Judge for the ninth, and a Solicitor for the eighth Judicial circuits.

The two houses proceeded first to elect a Judge for the third judicial circuit,—messrs. *Walker K. Baylor, Sydenham Moore, John W. Womack*, and *William Cochran*, being in nomination.

Those who voted for *Mr. Baylor*, are messrs. President, Bishop, Brindley, Creagh, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, Reese, Ross, Toulmin, Walker of B. Watrous, Wilson and Yancey of the Senate, and messrs. Aldridge, Allen, Banks, Bridges, Caffey, Cobb, Cook, Davis of B. Frazier, Garrett, Hancock, Harris, Hendrix, Hill of B. Hill of T. Jackson of A. Lang, Lankford, Martin, McCartey, McLeod, McMillion of B. McMillion of J. Morris, Mudd, Owens, Pörtis, Reid, Rose, Steele, Storrs, Todd, Troup and Williams of J. of the House—51.

Those who voted for *Mr. Cochran*, are messrs. Dent, Moores and Ward of the Senate, and messrs. Clancey, Huntington, Jackson of B, J. D. Johnson, McAlpin, McGriff, McLemore, Meriwether, Mitchell, Oliver, Segar and Spruill of the House—15.

Those who voted for *Mr. Moore*, are messrs. Fleming, Hardaway and McVay of the Senate, and messrs. Alexander, Anderson, Baldwin, Barker, Barron, Clarke, Clemens, Davis of L. Dear, Douglass, Dunn, Evans, Fletcher, Franks, Griffin, Hefflin, Holstein, Howard, Humphreys, R. T. Johnston, Moore of B. Moore of M. Morrisett, Sandidge, Scruggs, Sykes, Tate, Walker, Webb, Whitsitt, Winston and Witherspoon of the House—35.

Those who voted for *Mr. Womack*, are messrs. Arrington, Burney, Dougherty, McAlpin, Oliver, Phillips, Walker of L. Walthall, Watkins and Winston of the Senate, and messrs. Speaker, Alston, Bryan, Calloway, Campbell, Drane, Hale, Hatcher, Hubbard, Jones of F. Miree, Nall, Norman, Snowden, Stringer, Taylor, Trawick, Turner, Williams of H. and Bugbee of the House—30.

Neither having received a majority of the votes given, the two houses proceeded to ballot a second time.

Those who voted for *Mr. Baylor*, are messrs. President, Bishop, Brindley, Creagh, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, Reese, Ross, Toulmin, Walker of B. Watrous, Wilson and Yancey of the Senate, and messrs. Aldridge, Allen, Caffey, Cobb, Cook, Davis of B. Frazier, Garrett, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Jackson of A. Lang, Lankford, Martin, McCarty, McLeod, McMillion of B. McMillion of J. Morris, Mudd, Owens, Portis, Reid, Rose, Steele, Stringer, Storrs, Todd, Troup and Williams of J. of the house—50.

Those who voted for *Mr. Cochran*, are messrs. Dent, Moores and Walker of L. of the Senate, and messrs. Banks, Clancey, Huntington, Jackson of B, J. D. Johnson, McAlpin, Meriwether, Mitchell, Oliver, Segar and Spruill of the House—14.

Those who voted for *Mr. Moore*, are messrs. Fleming, Hardaway, and McVay of the Senate, and messrs. Alexander, Anderson, Baldwin, Barker, Barron, Clarke, Clemens, Davis of L. Douglass, Dunn, Evans, Fletcher, Franks, Griffin, Holstein, Howard, R. T. Johnson, McLemore, Moore of B. Moore of M. Morrisett, Sandidge, Scruggs, Sykes, Tate, Walker, Webb, Whitsitt, Winston, and Witherspoon of the house,—33.

Those who voted for *Mr. Womack*, are messrs. Arrington, Burney, Dougherty, McAlpin, Oliver, Phillips, Walthall, Ward, Watkins, and Winston of the Senate, and messrs. Speaker, Alston, Bridges, Bugbee, Bryan, Calloway, Campbell, Dear, Drane, Hale, Hatcher, Hubbard, Humphreys, Jones of F. McGriff, Miree, Nall, Norman, Snowden, Taylor, Trawick, Turner, and Williams of H. of the house—33.

Neither having received a majority of the votes given, the two houses proceeded to ballot a third time.

Those who voted for *Mr. Baylor*, are messrs. President, Brindley, Creagh, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, Reese, Ross, Toulmin, Walker of B. Watrous, Wilson and Yancey of the Senate, and messrs. Aldridge, Allen, Bridges, Caffey, Cobb, Cook, Davis of B. Frazier, Garrett, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Humphreys, Huntington, Jackson of A. Lang, Lankford, Martin, McCarty, McLeod, McMillion of B. McMillion of J. Morris, Mudd, Owens, Portis, Reid, Rose, Segar, Steele, Storrs, Todd, Troup, Williams of H. and Williams of J. of the house—54.

Those who voted for *Mr. Cochran*, are messrs. Dent, Moores, Walker of L. and Ward of the senate; and messrs. Banks, Clancey, Jackson of B, J. D. Johnson, Meriwether, Mitchell, Oliver and Spruill of the house—12.

Those who voted for *Mr. Moore*, are Messrs. Bishop, Fleming, Hardaway, and McVay of the senate; and messrs. Alexander, Anderson, Baldwin, Barker, Barron, Clarke, Clemens, Davis of L. Dear, Douglass, Dunn, Evans, Fletcher, Griffin, Holstein, Howard, R. T. Johnston, McAlpin, McLemore, Moore of B. Moore of M. Morrisett, Sandidge, Scruggs, Stringer, Sykes, Tate, Walker, Webb, Whitsitt, and Witherspoon of the house—35.

Those who voted for *Mr. Womack*, are messrs. Arrington, Burney, Dougherty, McAlpin, Oliver, Phillips, Walthall, Watkins and Winston of the senate; and messrs. Speaker, Alston, Bryan, Bugbee, Calloway, Campbell, Drane, Franks, Hale, Hatcher, Hubbard, Jones of F. McGriff, Miree, Nall, Norman, Snowden, Taylor, Trawick, Turner and Winston of the house—30.

Neither having received a majority of all the votes given, the two houses proceeded to vote a fourth time.

Those who voted for *Mr. Baylor*, are messrs. President, Brindley, Creagh, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, Reese, Ross, Toulmin, Walker of B. Watkins, Watrous, Wilson and Yancey of the Senate; and messrs. Aldridge, Allen, Bridges, Caffey, Cobb, Cook, Davis of B. Frazier, Garrett, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Jackson of A. Huntington, J. D. Johnson, Lang, Lankford, Martin, McCartney, McLeod, McMillion of B. McMillion of J. Morris, Mudd, Owens, Porters, Reid, Rose, Segar, Steele, Storrs, Todd, Troup, Williams of H. and Williams of J. of the House—54.

Those who voted for *Mr. Cochran*, are messrs. Dent, Moores, Walker of L. and Ward of the senate; and messrs. Banks, Clancey, R. T. Johnston, Meriwether, Mitchell and Spruill of the house—12.

Those who voted for *Mr. Moore*, are messrs. Bishop, Fleming, Hardaway and McVay of the senate; and messrs. Speaker, Alexander, Anderson, Baldwin, Banks, Barron, Clarke, Clemens, Davis of L. Douglass, Dunn, Evans, Fletcher, Franks, Griffin, Holstein, Howard, Humphreys, Jackson of B. R. T. Johnston, McAlpin, McLemore, Moore of M. Morrisett, Sandidge, Scruggs, Sykes, Tate, Walker, Webb, Whitsitt, Winston and Witherspoon of the house—37.

Those who voted for *Mr. Womack*, are messrs. Arrington, Burney, Dougherty, McAlpin, Oliver, Phillips, Walthall and Winston of the senate; and messrs. Alston, Bugbee, Bryan, Calloway, Campbell, Dear, Drane, Hale, Hatcher, Hubbard, Jones of F. McGriff, Miree, Moore of B. Nall, Norman, Oliver, Snowden, Stringer, Taylor, Trawick and Turner of the house—30.

Neither having received a majority of the votes given, the two houses proceeded to ballot a fifth time:

Those who voted for *Mr. Baylor*, are messrs. President, Bishop, Brindley, Creagh, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, McVay, Reese, Ross, Toulmin, Walker of B. Walker of L. Watkins, Watrous, Wilson and Yancey of the Senate; and messrs. Aldridge, Allen, Bridges, Caffey, Campbell, Cobb, Davis of B. Frazier, Garrett, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Huntington, Jackson of A. Lang, Lankford, Martin, McLeod, McMillion of B. Mc-

Million of J. Moore of B. Morris, Mudd, Owens, Portis, Reid, Rose, Segar, Steele, Storrs, Todd, Troup, Williams of H. and Williams of J. of the house—57.

Those who voted for *Mr. Cochran*, are messrs. Dent, Moores, Walker of L. and Ward of the Senate; and messrs. Banks, Clancey, J. D. Johnson, McLemore, Meriwether, Mitchell and Spruill of the House—11.

Those who voted for *Mr. Moore*, are messrs. Fleming, Hardaway, and Oliver of the senate; and messrs Speaker, Alexander, Anderson, Baldwin, Barker, Barron, Clarke, Clemens, Davis of L. Douglass, Dunn, Evans, Fletcher, Franks, Griffin, Holstein, Howard, Jackson of B., R. T. Johnston, McAlpin, Moore of M. Morrisett, Oliver, Sandidge, Scruggs, Sykes, Tate, Walker, Webb, Whitsitt, Winston and Witherspoon of the House—35.

Those who voted for *Mr. Womack*, are messrs Arrington, Burney, Dougherty, McAlpin, Phillips, Walthall and Winston of the senate; and messrs Alston, Bugbee, Bryan, Calloway, Dear, Drane, Hale, Hatcher, Hubbard, Jones of F. McGriff, Miree, Nall, Norman, Snowden, Stringer, Taylor, Trawick, and Turner of the house—26.

Neither having received a majority of the votes given, the two houses proceeded to vote a sixth time.

Those who voted for *Mr. Baylor*, are messrs. President, Bishop, Brindley, Creagh, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, McVay, Reese, Ross, Toulmin, Walker of B. Walker of L. Watkins, Watrous, Wilson and Yancey of the Senate; and messrs. Aldridge, Allen, Bridges, Bugbee, Caffey, Campbell, Clancey, Cobb, Cook, Davis of B. Frazier, Garrett, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Hubbard, Huntington, Jackson of A. Lang, Lankford, Martin, McLeod, McMillion of B. McMillion of J. Moore of B. Morris, Mudd, Owens, Portis, Reid, Rose, Segar, Steele, Stringer, Storrs, Todd, Troup, Williams of H. and Williams of J. of the house—62.

Those who voted for *Mr. Cochran*, are messrs. Dent, Moores, and Ward of the senate; and messrs. Banks, J. D. Johnson, Meriwether, Mitchell and Spruill of the house—8.

Those who voted for *Mr. Moore*, are messrs. Fleming, Foster and Oliver of the senate; and messrs. Speaker, Alexander, Anderson, Baldwin, Barker, Barron, Bryan, Clarke, Clemens, Davis of L. Douglass, Dunn, Evans, Fletcher, Franks, Griffin, Hatcher, Holstein, Howard, Humphreys, Jackson of B., R. T. Johnston, McLemore, McAlpin, Moore of M. Morrisett, Oliver, Sandidge, Scruggs, Sykes, Tate, Walker, Webb, Whitsitt, Winston and Witherspoon of the house—39.

Those who voted for *Mr. Womack*, are messrs Arrington, Burney, Dougherty, McAlpin, Phillips, Walthall and Winston of the Senate; and messrs. Calloway, Dear, Drane, Hale, Jones of F. McGriff, Miree, Nall, Norman, Snowden, Taylor, Trawick and Turner of the house—20.

Neither having received a majority of the votes given, the two houses proceeded to ballot a seventh time. The names of *Messrs. Cochran* and *Womack* having been withdrawn:

Those who voted for *Mr. Baylor*, are messrs. President, Arrington, Bishop, Brindley, Creagh, Dent, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, McVay, Reese, Ross, Toulmin, Walker of B. Walker of L. Watkins, Watrous, Wilson and Yancey of the Senate; and messrs. Aldridge, Allen, Banks, Bridges, Bugbee, Bryan, Caffey, Calloway, Campbell, Clancey, Cobb, Cook, Davis of B. Frazier, Garrett, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Hubbard, Huntington, Jackson of A. Lang, Lankford, Martin, McLeod, McMillion of B. McMillion of J. Meriwether, Moore of B. Morris, Mudd, Norman, Owens, Portis, Reid, Rose, Segar, Steele, Stringer, Storrs, Taylor, Todd, Troup, Turner, Williams of H. and Williams of J. of the house—71.

Those who voted for *Mr. Moore*, are messrs. Burney, Dougherty, Fleming, Hardaway, Oliver, McAlpin, Moores, Phillips, Walthall, Ward, and Winston of the Senate; and messrs. Speaker, Alexander, Alston, Anderson, Baldwin, Barker, Barron, Clarke, Clemens, Davis of L. Dear, Douglass, Drane, Dunn, Evans, Fletcher, Franks, Griffin, Hale, Hatcher, Holstein, Howard, Humphreys, Jackson of B., Jones of F., J. D. Johnson, R. T. Johnston, McAlpin, McGriff, McLemore, Miree, Mitchell, Moore of mad. Morrisett, Oliver, Sandidge, Scruggs, Snowden, Spruill, Sykes, Tate, Walker, Webb, Whitsitt, Winston and Witherspoon of the house—57.

Mr. Baylor, having received a majority of all the votes given, (seventy-one,) *Mr. Speaker* declared him duly and constitutionally elected Judge of the Third Judicial Circuit for the term prescribed by the constitution.

The two houses then proceeded to the election of a Judge of the Eighth Judicial Circuit.

The names of *George Goldthwaite* and *Abraham Martin*, being in nomination.

Those who voted for *Mr. Goldthwaite*, are messrs. President, Arrington, Brindley, Creagh, Dent, Hardaway, Hudson, McClanahan, McVay, Oliver, Phillips, Toulmin, Walker of L. Watkins, and Winston of the Senate; and messrs. Speaker, Alston, Anderson, Baldwin, Barron, Bryan, Bugbee, Campbell, Clancey, Clemens, Davis of B. Davis of L. Dear, Drane, Dunn, Evans, Hale, Hendrix, Hill of B. Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., Lang, Lankford, Meriwether, Miree, Moore of B. Moore of mad. Mudd, Nall, Norman, Owens, Portis, Reid, Rose, Snowden, Spruill, Steele, Stringer, Storrs, Sykes, Tate, Taylor, Todd, Trawick, Troup, Turner, Walker, Webb, Whitsitt, Williams of H. and Witherspoon of the house—71.

Those who voted for *Mr. Martin*, are messrs. Bishop, Burney, Dougherty, Fleming, Foster, Kelly, King, Marchbanks, McAlpin, Moores, Ross, Walker of B. Walthall, Watrous, Wilson and Yancey of the Senate; and messrs. Aldridge, Alexander, Allen, Banks, Barker, Bridges, Calloway, Clarke, Cobb, Cook, Douglass, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hatcher, Hefflin, Hill of T. Holstein, J. D. Johnson, R. T. Johnston, Martin, McAlpin, McLemore, McLeod, McMillion of B. McMillion of J. Mitchell, Morris, Oliver,

Sandidge, Scruggs, Segar, Williams of J. and Winston of the house—54.

Mr. Goldthwaite having received a majority of the votes given, was declared duly elected Judge of the Eighth Judicial Circuit.

The two Houses next proceeded to elect a Judge of the Ninth Judicial Circuit.

The names of *Sampson W. Harris, Green T. McAfee, B. L. Robinson, George D. Shortridge, John J. Steiner* and *G. W. Stone*, being in nomination.

Those who voted for *Mr. Harris*, are messrs. Creagh, Walker of L. Ward, Watkins, and Yancey of the Senate; and messrs Anderson, Bridges, Bryan, Caffey, Calloway, Clemens, Cook, Evans, Harris, Jackson of A. Jackson of B., Jones of F. McGriff, Rose, Steele, Stringer, Sykes, Tate, Walker and Williams of H. of the house—25.

Those who voted for *Mr. McAfee*, are messrs. Wilson of the Senate; and messrs. Cobb, Frazier, Garrett, Hendrix, Hill of T. and Scruggs, of the house—7.

Those who voted for *Mr. Robinson*, are messrs Arrington, Burney, Dent, Dougherty, Hardaway, McAlpin, Oliver, Phillips, Reese, and Watrous of the senate; and messrs Alston, Banks, Barker, Barron, Bugbee, Davis of B. Dear, Drane, Dunn, Hale, Hatcher, Howard, McAlpin, McLemore, Mitchell, Morrisett, Nall, Oliver, Segar, Snowden and Trawick of the house—31.

Those who voted for *Mr. Shortridge*, are messrs Pesident, Hudson, Kelly, King, Marchbanks, McClanahan, Rose, Toulmin, and Walker of B. of the senate; and messrs Speaker, Aldridge, Alexander, Clancey, Clarke, Douglass, Frank, Hancock, Hill of B. Humphreys, Huntington, J. D. Johnson, R. T. Johnston, Lang, McMillion of B. McMillion of J. Meriwether, Miree, Moore of B. Morris, Owens, Portis, Spruill, Storrs, Todd, Troup, Turner, Webb, Whitsitt, Williams of J. and Wither- spoon of the house—40.

Those who voted for *Mr. Steiner*, are messrs Foster of the senate; and messrs Allen, Davis of L. Hefflin, Holstein, Martin, McLeod, Norman and Reid of the house—9.

Those who voted for *Mr. Stone*, are messrs Bishop, Brindley, Fleming, McVay, Moores, Walthall and Winston of the senate; and messrs Baldwin, Campbell, Fletcher, Griffin, Hubbard, Lankford, Moore of mad. Mudd, Sandidge, Taylor and Winston of the house—18.

Neither having received a majority of the votes given, the two houses proceeded to a second ballot.

Those who voted for *Mr. Harris*, are messrs. Creagh, Walker of L. Ward, Watkins and Yancey of the senate; and messrs. Anderson, Bryan, Caffey, Calloway, Clemens, Cook, Evans, Harris, Jackson of A. Jackson of B. Jones of F. McGriff, Morrisett, Nall, Rose, Steele, Stringer, Tate, and Walker of the house—24.

Those who voted for *Mr. McAfee*, are messrs. Garrett, Hendrix, Hill of T. and Sykes of the house—4.

Those who voted for *Mr. Robinson*, are messrs. Bishop, Burney,

Dent, Dougherty, Hardaway, Moores, Oliver, Reese and Watrous of the senate; and messrs. Alston, Banks, Barker, Barron, Bugbee, Davis of B. Dear, Drane, Dunn, Hatcher, Howard, McAlpin, McLemore, Mitchell, Oliver, Scruggs, Segar, Snowden, Trawick, and Williams of H. of the house—29.

Those who voted for *Mr. Shortridge*, are messrs. President, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Ross, Toulmin, and Walker of B. of the senate; and messrs. Speaker, Aldridge, Clancey, Clarke, Cobb, Douglass, Franks, Frazier, Hale, Hancock, Hill of B. Humphreys, Huntington, J. D. Johnson, R. T. Johnston, Lang, McMillion of J. Meriwether, Miree, Moore of B. Morris, Owens, Portis, Spruill, Storrs, Todd, Troup, Turner, Webb, Whitsitt, Williams of J. and Witherspoon of the house—42.

Those who voted for *Mr. Stone*, are messrs. Bishop, Burney, Fleming, McVay, Phillips, Walthall, Wilson and Winston of the senate; and messrs. Baldwin, Campbell, Fletcher, Griffin, Hubbard, Lankford, Mudd, Sandidge, Taylor and Winston of the house—18.

Those who voted for *Mr. Steiner*, are messrs. Foster of the senate; and messrs. Allen, Alston, Davis of L. Hefflin, Holstein, Martin, McLeod, and Norman, of the house—9.

Neither having received a majority of the votes given, the two houses proceeded to ballot a third time:

Those who voted for *Mr. Harris*, are messrs. Creagh, Dent, Dougherty, Hardaway, Oliver, Walker of L. Ward, Watkins and Yancey of the senate; and messrs. Alston, Bridges, Bryan, Calloway, Caffey, Clemens, Cook, Evans, Harris, Howard, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, McAlpin, McGriff, McLeod, Mitchell, Morrisett, Nall, Rose, Segar, Steele, Stringer, Tate, Trawick, Walker and Williams of H. of the house—37.

Those who voted for *Mr. McAfee*, are messrs. Garrett, Hendrix and Sykes of the house—3.

Those who voted for *Mr. Shortridge*, are messrs. President, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Ross, Toulmin, Walker of B. and Watrous of the senate; and messrs. Speaker, Aldridge, Alexander, Clancey, Clarke, Cobb, Davis of B. Douglass, Franks, Frazier, Hale, Hancock, Hill of B. Humphreys, Huntington, R. T. Johnston, Lang, McMillion of B. McMillion of J. Meriwether, Miree, Morris, Owens, Portis, Spruill, Storrs, Todd, Troup, Turner, Webb, Whitsitt, Williams of J. and Witherspoon of the house—46.

Those who voted for *Mr. Steiner*, are messrs. Bishop, Foster, and Reese of the Senate; and messrs. Allen, Davis of L. Hefflin, Holstein, Martin, McLemore, Norman and Reid of the house—11.

Those who voted for *Mr. Stone*, are messrs. Arrington, Brindley, Burney, Fleming, McVay, Moores, Phillips, Walthall, Wilson and Winston of the senate; and messrs. Anderson, Baldwin, Bugbee, Campbell, Dear, Drane, Dunn, Fletcher, Griffin, Hatcher, Hill of T. Hubbard, Lankford, Moore of mad. Mudd, Oliver, Sandidge, Scruggs, Snowden, Taylor, and Winston of the house—32.

Neither having received a majority of the votes given, the names of messrs *McAfee* and *Steiner* being withdrawn, the two houses proceeded to ballot a fourth time:

Those who voted for *Mr Harris*, are messrs *Creagh*, *Dent*, *Dougherty*, *Foster*, *Hardaway*, *Oliver*, *Walker* of *L. Ward*, *Watkins* and *Yancey* of the Senate, and messrs. *Alston*, *Bridges*, *Bryan*, *Caffey*, *Calloway*, *Clemens*, *Cook*, *Davis* of *L. Evans*, *Harris*, *Holstein*, *Howard*, *Jackson* of *A.*, *Jackson* of *B.* *Jones* of *F.* *McAlpin*, *McGriff*, *McLeod*, *Mitchell*, *Morrisett*, *Rose*, *Segar*, *Steele*, *Stringer*, *Sykes*, *Tate*, *Trawick*, *Walker* and *Williams* of *H.* of the house—39.

Those who voted for *Mr. Shortridge*, are messrs. *President*, *Hudson*, *Kelly*, *King*, *Marchbanks*, *McAlpin*, *McClanahan*, *Moore*s, *Ross*, *Toulmin*, *Walker* of *B.* and *Watrous* of the Senate; and messrs. *Speaker*, *Aldridge*, *Alexander*, *Barker*, *Clancey*, *Clarke*, *Cobb*, *Davis* of *B.* *Franks*, *Frazier*, *Garrett*, *Hale*, *Hancock*, *Hill* of *B.*, *Humphreys*, *Huntington*, *J. D. Johnson*, *R. T. Johnston*, *Lang*, *McMillion* of *B.* *McMillion* of *J.* *Meriwether*, *Miree*, *Norman*, *Owens*, *Portis*, *Spruill*, *Storrs*, *Todd*, *Troup*, *Turner*, *Webb*, *Whitsitt*, *Williams* of *J.* and *Witherspoon* of the house—49.

Those who voted for *Mr Stone*, are messrs *Arrington*, *Bishop*, *Brindley*, *Burney*, *Fleming*, *McVay*, *Phillips*, *Reese*, *Walthall*, *Wilson* and *Winston* of the senate; and messrs *Allen*, *Anderson*, *Baldwin*, *Banks*, *Barron*, *Bugbee*, *Campbell*, *Dear*, *Drane*, *Dunn*, *Fletcher*, *Griffin*, *Hatcher*, *Heslin*, *Hendrix*, *Hill* of *T.* *Hubbard*, *Lankford*, *Marion*, *McLemore*, *Moore* of *Mad.* *Mudd*, *Nall*, *Oliver*, *Reid*, *Sandidge*, *Scruggs*, *Snowden*, *Taylor* and *Turner* of the House—41.

Neither having received a majority of the votes given, the two houses proceeded to ballot a fifth time:

Those who voted for *Mr. Harris*, are messrs. *Creagh*, *Dent*, *Dougherty*, *Foster*, *Hardaway*, *Moore*s, *Walker* of *L. Ward*, *Watkins* and *Yancey* of the senate; and messrs. *Alston*, *Bridges*, *Bryan*, *Caffey*, *Calloway*, *Clemens*, *Cook*, *Davis* of *L. Evans*, *Harris*, *Howard*, *Jackson* of *A.* *Jackson* of *B.* *Jones* of *F.* *McAlpin*, *McGriff*, *McLeod*, *Mitchell*, *Morrisett*, *Nall*, *Rose*, *Segar*, *Steele*, *Stringer*, *Sykes*, *Tate*, *Trawick*, *Walker* and *Williams* of *H.* of the house—39.

Those who voted for *Mr. Shortridge*, are messrs. *President*, *Hudson*, *Kelly*, *King*, *Marchbanks*, *McAlpin*, *McClanahan*, *Ross*, *Toulmin*, *Walker* of *B.* and *Watrous* of the senate; and messrs. *Speaker*, *Aldridge*, *Barker*, *Clancey*, *Clarke*, *Cobb*, *Davis* of *B.* *Douglass*, *Franks*, *Frazier*, *Garrett*, *Hale*, *Hancock*, *Hill* of *B.* *Humphreys*, *Huntington*, *J. D. Johnson*, *R. T. Johnston*, *Lang*, *McMillion* of *B.* *McMillion* of *J.* *Meriwether*, *Miree*, *Morris*, *Norman*, *Owens*, *Portis*, *Spruill*, *Storrs*, *Todd*, *Troup*, *Turner*, *Webb*, *Whitsitt*, *Williams* of *J.* and *Witherspoon* of the house—48.

Those who voted for *Mr. Stone*, are messrs. *Arrington*, *Bishop*, *Brindley*, *Burney*, *Fleming*, *McVay*, *Phillips*, *Reese*, *Walthall*, *Wilson* and *Winston* of the Senate; and messrs. *Allen*, *Anderson*, *Baldwin*, *Banks*, *Barron*, *Bugbee*, *Campbell*, *Dear*, *Drane*, *Dunn*, *Fletcher*, *Griffin*

Hatcher, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Lankford, Martin, McLemore, Moore of mad. Mudd, Oliver, Reid, Sandidge, Scruggs, Snowden, Taylor, and Winston of the house—41.

Neither having received a majority of all the votes given, the two houses proceeded to ballot a sixth time.

Those who voted for *Mr. Harris*, are messrs. Creagh, Dent, Dougherty, Foster, Hardaway, Oliver, Walker of L. Ward, Watkins and Yancey of the Senate; and messrs. Alston, Bridges, Bryan, Caffey, Calloway, Clemens, Cook, Evans, Howard, Jackson of A. Jackson of B. McAlpin, McGriff, McLeod, Mitchell, Rose, Segar, Steele, Stringer, Sykes, Tate, Walker, and Williams of H. of the house—33.

Those who voted for *Mr. Shortridge*, are messrs. President, Hudson, Kelly, King, Marchbanks, McClanahan, Ross, Toulmin and Watrous of the Senate; and messrs. Speaker, Aldridge, Alexander, Barker, Campbell, Clancey, Clarke, Cobb, Davis of B. Douglass, Franks, Frazier, Garrett, Hale, Hancock, Harris, Hill of B. Humphreys, Huntington, Jones of F., J. D. Johnson, R. T. Johnston, Lang, McMillion of B. McMillion of J. Meriwether, Miree, Morris, Norman, Owens, Portis, Spruill, Storrs, Todd, Troup, Turner, Webb, Whitsitt, Williams of J. and Witherspoon of the House—49.

Those who voted for *Mr. Stone*, are messrs. Arrington, Bishop, Brindley, Burney, Fleming, McAlpin, McVay, Moores, Reese, Wal-
thall, Wilson and Winston of the Senate; and messrs. Allen, Anderson, Baldwin, Banks, Barron, Bugbee, Davis of L. Dear, Drane, Dunn, Fletcher, Griffin, Hatcher, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Lankford, Martin, McLemore, Moore of mad. Morrisett, Mudd, Nall, Oliver, Reid, Sandidge, Scruggs, Snowden, Taylor, Trawick, and Winston of the house—45.

Neither having received a majority of the votes given, the two houses proceeded to ballot a seventh time.

Those who voted for *Mr. Harris*, are messrs. Creagh, Dent, Dougherty, Foster, Hardaway, Oliver, Walker of L. Ward, Watkins and Yancey of the senate; and messrs. Bridges, Bryan, Caffey, Calloway, Cobb, Cook, Evans, Howard, Jackson of A. Jackson of B. McAlpin, McGriff, McLeod, Mitchell, Rose, Steele, Stringer, Sykes, Tate, and Walker of the house—30.

Those who voted for *Mr. Shortridge*, are messrs. President, Hudson, Kelly, King, Marchbanks, McClanahan, Ross, Toulmin, Walker of B. and Watrous of the senate; and messrs. Speaker, Aldridge, Alexander, Barker, Clancey, Clarke, Clemens, Cobb, Davis of B. Douglass, Franks, Frazier, Garrett, Hale, Hancock, Harris, Hill of B. Humphreys, Huntington, Jones of F., J. D. Johnson, R. T. Johnston, Lang, McMillion of B. McMillion of J. Meriwether, Miree, Morris, Norman, Owens, Portis, Spruill, Storrs, Todd, Troup, Turner, Webb, Whitsitt, Williams of J. and Witherspoon of the house—49.

Those who voted for *Mr. Stone*, are messrs. Arrington, Bishop, Brindley, Burney, Fleming, McAlpin, McVay, Moores, Reese, Wal-
thall, Wilson and Winston of the senate; and messrs. Allen, Anderson,

Baldwin, Banks, Barron, Bugbee, Campbell, Dear, Drane, Dunn, Fletcher, Griffin, Hatcher, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Lankford, Martin, McLemore, Moore of mad. Morrisett, Mudd, Nall, Oliver, Reid, Sandidge, Scruggs, Segar, Snowden, Taylor, Trawick, Williams of H. and Winston of the house—47.

Neither having received a majority of the votes given, the two houses proceeded to ballot an eighth time—the name of *Mr. Harris* being withdrawn.

Those who voted for *Mr. Shortridge*, are messrs. President, Hudson, Brindley, Foster, Kelley, King, Marchbanks, McAlpin, McClanahan, Ross, Toulmin, Walker of B. and Watrous of the senate; and messrs. Speaker, Aldridge, Alexander, Alston, Barker, Bridges, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B. Douglass, Franks, Frazier, Garrett, Hale, Hancock, Harris, Hill of B. Humphreys, Huntington, Jackson of A. Jones of F. J. D. Johnson, R. T. Johnston, Lang, McAlpin, McMillion of B. McMillion of J. Meriwether, Miree, Moore of B. Morris, Norman, Owens, Portis, Spruill, Steele, Storrs, Sykes, Todd, Trawick, Troup, Turner, Webb, Whitsitt, Williams of J. and Witherspoon of the house—62.

Those who voted for *Mr. Stone*, are messrs. Arrington, Bishop, Burney, Dent, Dougherty, Fleming, Hardaway, McVay, Moores, Reese, Walthall, Watkins Wilson and Winston of the senate; and messrs. Allen, Anderson, Baldwin, Banks, Barron, Bugbee, Campbell, Davis of L. Dear, Drane, Dunn, Fletcher, Griffin, Hatcher, Hefflin, Hendrix, Hill of T. Holstein, Howard, Hubbard, Jackson of B. Lankford, Martin, McGriff, McLemore, McLeod, Mitchell, Moore of M. Morrisett, Mudd, Nall, Oliver, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Stringer, Tate, Taylor, Walker, Williams of H. and Winston of the House—58.

Messrs. Creagh, Oliver, Walker and Yancey of the senate; and messrs. Bryan, Caffey and Calloway of the house, voted for *Mr. Harris*—7.

There being no election, the Senate withdrew to their chamber.

SATURDAY, DECEMBER 23, 1843.

The House met pursuant to adjournment.

The Senate was invited into the Hall of the House, and the two houses proceeded to vote a ninth time for Judge of the ninth judicial circuit.

On the first ballot *Mr. Shortridge* received in joint vote 52.

Those who voted for *Mr. Shortridge*, are messrs. President, Brindley, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Ross, Toulmin, Walker of B. and Watrous of the Senate; and messrs. Speaker, Aldridge, Alexander, Barker, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B. Douglass, Franks, Hale, Harris, Hill of B. Humphreys, Huntington, Jackson of A. J. D. Johnson, R. T. Johnston, Lang, McAlpin, McCartey, McMillion of B. McMillion of J. Miree, Moore of B. Morris, Norman, Owens, Portis, Spruill, Steele, Storrs, Todd, Troup, Turner, Webb, Whitsitt and Williams of J. of the House.

On the first ballot *Mr. Stone* received in joint vote 50.

Those who voted for *Mr. Stone*, are messrs. Arrington, Bishop, Bur-

ney, Dent, Dougherty, Fleming, Hardaway, McVay, Phillips, Reese, Watkins and Wilson of the senate; and messrs. Allen, Baldwin, Banks, Bugbee, Campbell, Dear, Drane, Dunn, Evans, Fletcher, Griffin, Hefflin, Hill of T. Holstein, Howard, Hubbard, Jackson of B. Lankford, Martin, McLemore, McLeod, Mitchell, Moore of mad. Mudd, Nall, Oliver, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Stringer, Tate, Taylor, Trawick, Williams of H. and Winston of the house.

On the first ballot, *Mr. Harris* received in joint vote 9.

Those who voted for *Mr. Harris*, are messrs. Creagh, Ward, and Yancey of the senate; and messrs. Bryan, Caffey, Calloway, Jones of F. McGriff and Walker of the House.

There being no election, the two houses proceeded to a second ballot.

Those who voted for *Mr. Shortridge*, are messrs. President, Brindley, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Ross, Toulmin, Walker of B. and Watrous of the Senate; and messrs. Speaker, Aldridge, Alexander, Barker, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B. Davis of L. Douglass, Franks, Hale, Harris, Hill of B., Humphreys, Huntington, Jackson of A., J. D. Johnson, R. T. Johnston, Lang, McAlpin, McMillion of B. McMillion of J. Miree, Moore of B. Morris, Norman, Owens, Portis, Spruill, Steele, Storrs, Todd, Troup, Turner, Webb, Whitsitt and Williams of J. of the house—52.

Those who voted for *Mr. Stone*, are messrs. Arrington, Bishop, Burney, Dent, Dougherty, Fleming, Hardaway, McVay, Phillips, Reese, Ward, Watkins and Wilson of the Senate, and messrs. Allen, Baldwin, Banks, Bryan, Bugbee, Campbell, Dear, Drane, Dunn, Evans, Fletcher, Griffin, Hefflin, Hill of T. Holstein, Howard, Hubbard, Jackson of B. Lankford, Martin, McCartney, McGriff, McLemore, McLeod, Mitchell, Moore of M. Morrisett, Mudd, Nall, Oliver, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Stringer, Tate, Taylor, Trawick, Walker, Williams of H. and Winston of the House—56.

Those who voted for *Mr. Harris*, are messrs. Creagh and Oliver of the senate; and messrs. Caffey and Calloway of the house—4.

There being no election, the two houses proceeded the third time to ballot.

Those who voted for *Mr. Shortridge*, are messrs. President, Brindley, Creagh, Foster, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Ross, Toulmin, Walker of B. and Watrous of the senate; and messrs. Speaker, Aldridge, Alexander, Barker, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B., Davis of L., Douglass, Franks, Garrett, Hale, Harris, Hill of B., Humphreys, Huntington, Jackson of A., J. D. Johnson, R. T. Johnston, Lang, McAlpin, McCartney, McMillion of B. McMillion of J. Miree, Morris, Norman, Owens, Portis, Spruill, Steele, Storrs, Todd, Troup, Turner, Webb, Whitsitt and Williams of J. of the house—56.

Those who voted for *Mr. Stone*, are messrs. Arrington, Bishop, Burney, Dent, Dougherty, Fleming, Hardaway, McVay, Oliver, Phillips, Reese, Ward, Watkins and Winston of the senate; and messrs. Allen, Anderson, Baldwin, Banks, Bryan, Bugbee, Calloway, Campbell, Dear,

Drane, Dunn, Evans, Fletcher, Griffin, Hefflin, Hendrix, Hill of T. Holstein, Howard, Hubbard, Jackson of B. Lankford, Martin, McLe- more, McLeod, Mitchell, Moore of mad. Morrisett, Mudd, Nall, Oliver, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Stringer, Tate, Taylor, Trawick, Walker, Williams of H. and Winston of the house—58.

Mr. Stone having received a majority of all the votes given, *mr. Speaker* declared him duly and constitutionally elected Judge of the Ninth Judicial Circuit, for the term prescribed by the constitution.

The two Houses then proceeded to elect a Solicitor for the Eighth Judicial Circuit:

The names of *Marion A. Baldwin, George D. Ball, S. C. Dailey, Rush Elmore, E. Heydensfelt, Lewis Kennedy, W. C. Ligon and James M. Wiley*, being in nomination:

Those who voted for *Mr. Baldwin*, are messrs. President, Fleming, Foster, Hudson, Marchbanks, McClanahan, Toulmin and Wilson of the senate; and messrs. Alexander, Allen, Banks, Campbell, Clemens, Davis of L. Fletcher, Franks, Hancock, Jones of F. Lang, Lankford, McLeod, McMillion of B. McMillion of J. Moore of B. Norman, Oliver, Owens, Reid, Sandidge, Stringer, Sykes, Todd, Troup, Turner and Walker of the house—35.

Those who voted for *Mr. Ball*, are messrs. King, McAlpin and Ross of the senate; and messrs. Baldwin, Bugbee, Caffey, Hale, Humphreys, and Portis of the house—9.

Those who voted for *Mr. Dailey*, are messrs. Oliver of the senate; and Bryan of the house—2.

Those who voted for *Mr. Elmore*, are messrs. Bishop, and Yancey of the senate; and messrs. Garrett, Hefflin, Hill of B. Hill of T. Holstein, Hubbard, Martin, McCartney, Rose, Steele and Webb of the house—13.

Those who voted for *Mr. Heydensfelt*, are messrs. Burney, Dent, Reese and Watkins of the senate; and messrs. Anderson, Clarke, Drane, Dunn, Huntington, McLemore, Nall, Scruggs, Segar and Tate of the house—14.

Those who voted for *Mr. Kennedy*, are messrs. Kelly, McVay and Watrous of the senate, and messrs. Barker, Cobb, Davis of B. Douglass, Jackson of A., J. D. Johnson, R. T. Johnston, McAlpin, Mitchell, Moore of mad. Mudd, Storrs and Williams of J. of the house—16.

Those who voted for *Mr. Ligon*, are messrs. Brindley, Walker of L. and Ward of the senate; and messrs. Speaker, Aldridge, Calloway, Clancey, Cook, Dear, Griffin, Hendrix, McGriff, Miree, Snowden, Spruill, Taylor, Trawick, Whitsitt and Williams of H. of the house—19.

Those who voted for *Mr. Wiley*, are messrs. Arrington, Creagh, Dougherty, Hardaway, and Phillips of the senate; and messrs. Alston, Evans, Howard, Jackson of B. and Morrisett of the house—10.

The two houses proceeded to a second ballot—the name of *Mr. Wiley* being withdrawn.

Those who voted for *Mr. Baldwin*, are messrs. President, Fleming, Foster, Hudson, Marchbanks, McClanahan, Toulmin and Wilson of

the Senate; and messrs. Alexander, Allen, Banks, Clemens, Davis of L. Douglass, Evans, Fletcher, Franks, Hancock, Howard, Jones of F. Lang, Lankford, McAlpin, McLeod, McMillion of B. McMillion of J. Meriwether, Moore of B. Norman, Oliver, Owens, Reid, Sandidge, Stringer, Sykes, Todd, Troup, Turner, Walker, Whitsitt, and Williams of J. of the House—41.

Those who voted for *Mr. Ball*, are messrs. Creagh, King, McAlpin and Ross of the Senate; and messrs. Anderson, Baldwin, Bugbee, Campbell, Dunn, Hale, Humphreys, Martin, McCarty, Rose, Steele, and Webb of the House—16.

Those who voted for *Mr. Elmore*, are messrs Bishop and Yancey of the senate; and messrs Bryan, Caffey, Garrett, Hefflin, Hill of B. Hill of T. Holstein, Hubbard, Jackson of A. Martin, McCarty, Rose, Steele and Webb of the house—16.

Those who voted for *Mr Heydenfelt*, are messrs Arrington, Burney, Dent, Dougherty, Hardaway, Oliver, Reese, and Watkins of the senate; and messrs Alston, Clancey, Drane, McLemore, Nall, Scruggs, Segar, and Tate of the house—16.

Those who voted for *Mr Kennedy*, are messrs Kelly, McVay, and Watrous of the senate; and messrs Barker, Cobb, Davis of B., J. D. Johnson, R. T. Johnston, Mitchell, Moore of mad. Mudd and Storrs of the house—12.

Those who voted for *Mr Ligon*, are messrs Brindley, Walker of L. and Ward of the senate; and messrs Speaker, Aldridge, Calloway, Clancey, Cook, Dear, Griffin, Hendrix, Jackson of B. McGriff, Miree, Snowden, Spruill, Taylor, Trawick and Williams of H. of the house—19.

The two Houses then proceeded to ballot a third time.

Those who voted for *Mr. Baldwin*, are messrs. President, Dent, Fleming, Foster, Hudson, Kelly, Marchbanks, McClanahan, Toulmin, and Wilson, of the Senate; and messrs. Alexander, Allen, Banks, Caffey, Clancey, Clemens, Cobb, Davis of L. Douglass, Evans, Fletcher, Franks, Hancock, Howard, Jones of F. Lang, Lankford, McAlpin, McLeod, McMillion of B. McMillion of J. Meriwether, Moore of B. Moore of mad. Norman, Oliver, Owens, Portis, Reid, Sandidge, Segar, Stringer, Sykes, Todd, Troup, Turner, Walker, Whitsitt and Williams of J. of the house—49.

Those who voted for *Mr. Ball*, are messrs. Creagh, King, McAlpin, Oliver and Ross of the Senate; and messrs Anderson, Baldwin, Bugbee, Dunn, Hale and Humphreys of the house—11.

Those who voted for *Mr Elmore*, are messrs Bishop and Yancey of the senate, and messrs Bryan, Garrett, Hill of B. Hill of T., Holstein, Hubbard, Jackson of A. Martin, McCarty, Rose, Steele, and Webb of the house—14.

Those who voted for *Mr Heydenfelt*, are messrs Arrington, Burney, Dougherty, Hardaway, Phillips, and Reese of the senate; and messrs Alston, Clarke, McLemore, Mudd, Nall, Scruggs and Tate of the house—13.

Those who voted for *Mr. Kennedy*, are messrs McVay and Watrous of the senate; and messrs Barker, Mitchell and Storrs of the house—5.

Those who voted for *Mr. Ligon*, are messrs Brindley, Walker of L. Ward and Watrous of the senate; and messrs Speaker, Aldridge, Calloway, Campbell, Cook, Davis of B. Dear, Drane, Griffin, Hefflin, Hendrix, Jackson of B. McGriff, Miree, Snowden, Spruill, Taylor, Trawick and Williams of H. of the house—23.

There being no election, and the name of *Mr. Kennedy* being withdrawn—the two houses proceeded to ballot a fourth time.

Those who voted for *Mr. Baldwin*, are messrs. President, Brindley, Dent, Fleming, Foster, Hudson, Kelly, Marchbanks, McClanahan, Toulmin and Wilson of the Senate; and messrs. Alexander, Allen, Banks, Caffey, Clemens, Cobb, Davis of L. Douglass, Evans, Fletcher, Franks, Hancock, Howard, Huntington, Jones of F. Lang. Lankford, McAlpin, McLeod, McMillion of B. McMillion of J. Meriwether, Moore of B. Moore of M. Norman, Oliver, Owens, Portis, Reid, Sandidge, Segar, Stringer, Sykes, Todd, Troup, Turner, Walker and Whitsitt, of the House—49.

Those who voted for *Mr. Ball*, are messrs Creagh, King, McAlpin, Oliver, Ross and Walker of B. of the senate; and messrs Anderson, Bugbee, Dann, Hale, Humphreys, Mudd, and Scruggs of the House—13.

Those who voted for *Mr. Elmore*, are messrs Bishop and Yancey of the Senate; and messrs. Bryan, Clarke, Garrett, Hill of B. Hill of T. Holstein. Hubbard, Jackson of A. Martin, McCarty, Rose, Steele and Webb of the house—15.

Those who voted for *Mr. Heydenfelt*, are messrs Burney, Dougherty, Hardaway, Reese and Watrous of the senate; and messrs Alston, Barker, Davis of B. McLemore, Mitchell, Nall, Storrs and Tate of the House—13.

Those who voted for *Mr. Ligon*, are messrs Arrington, McVay, Walker of L. Ward, Watkins and Winston of the senate; and messrs Speaker, Aldridge, Calloway, Campbell, Cook, Dear, Drane, Griffin, Hefflin, Hendrix, Jackson of B., R. T. Johnston, McGriff, Miree, Snowden, Spruill, Taylor, Trawick, Williams of H. and Williams of J. of the house—30.

There yet being no election, the two houses proceeded to ballot a fifth time. The names of messrs *Elmore* and *Heydenfelt* being withdrawn.

Those who voted for *Mr. Baldwin*, are messrs. President, Brindley, Dent, Fleming, Foster, Hardaway, Hudson, Kelly, Marchbanks, McClanahan, Reese, Toulmin, and Wilson of the Senate; and messrs. Alexander, Allen, Banks, Bryan, Caffey, Clancey, Clemens, Cobb, Douglass, Evans, Fletcher, Franks, Garrett, Hancock, Hefflin, Hill of B. Hill of T. Holstein, Howard, Hubbard, Huntington, Jackson of A. Jones of F. Lang, Lankford, Martin, McAlpin, McCarty, McLemore, McLeod, McMillion of B. Meriwether, Moore of B. Moore of M. Norman, Oliver, Owens, Portis, Reid, Rose, Sandidge, Segar, Stringer, Sykes, Tate, Todd, Troup, Turner, Walker, Webb, Whitsitt, and Williams of J. of the house—65.

Those who voted for *Mr. Ball*, are messrs. Creagh, King, McAlpin, Moores, Oliver, Phillips, Ross, Walker of B. and Watrous of the senate; and messrs. Alston, Anderson, Baldwin, Bugbee, Davis of B. Davis of L. Dunn, Hale, Humphreys, Mitchell, Scruggs, Steele, and Storrs, of the House—22.

Those who voted for *Mr. Ligon*, are messrs Arrington, Bishop, Burney, Dougherty, McVay, Walker of L. Ward, Watrous and Winston of the senate; and messrs Speaker, Aldridge, Barker, Calloway, Campbell, Clarke, Cook, Dear, Drane, Griffin, Hendrix, Jackson of B., R. T. Johnston, Spruill, Taylor, Trawick, and Williams of H. of the house—32.

Mr. Baldwin having received a majority of all the votes given, Mr. Speaker, declared him duly and constitutionally elected Solicitor of the Eighth Judicial Circuit, for the term prescribed by the constitution.

The Senate then withdrew.

Ordered, that leave of absence be granted to messrs. Morris, Barron, Frazier, R. T. Johnston, Hatcher, Spruill and Whitsitt, until Wednesday next.

Mr. Hubbard moved to suspend the call of counties; which was carried.

Mr. Hubbard then offered the following resolution; which was adopted, to wit:

Resolved, That when this House adjourns, it will adjourn over until Tuesday morning, at ten o'clock.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—I have the honor to inform you that the Senate concurs in the resolution proposing to adjourn "*sine die*," on the fifteenth day of January next.

On motion of Mr. Walker, the House proceeded to the consideration of the message from the Senate.

The bill from the Senate, to compensate the Sheriff of Sumter county for ex-officio services, was read the first time.

Mr. Baldwin moved to suspend the rules, and give the bill its second reading forthwith; which was lost.

The bill was ordered to a second reading on to-morrow.

The bill from the Senate, relating to the duties of Clerks of courts, and Registers in chancery, in Sumter county;

The bill from the Senate, to rescind a certain contract therein described, made between Meshack Turner and the School commissioners of township nineteen, range twenty-five, in the Tallapoosa land district;

The bill from the Senate, to authorize Abraham Shanklin to emancipate a certain slave therein named;

The bill from the Senate, in relation to certain escheated property, in the county of Dallas, were severally read the first time, and ordered to a second reading.

The resolution from the Senate, proposing to appoint a joint committee to examine the Comptroller's and Treasurer's offices, and ascertain whether their offices have been conducted according to law, was concur-

red in; and messrs. Humphreys, Banks, and Portis, were appointed said committee on the part of the House.

The joint resolutions of the General Assembly, in relation to the real and personal property owned by the State Bank and Branches, were read the first, second, and third times forthwith, and passed.

The bill from the Senate, to cancel the contract of sale of a certain sixteenth section in Russell county, was read the first, second and third times forthwith, and passed.

The engrossed bill to change the names of certain persons therein mentioned;

The engrossed bill to authorize the sale of the Reports of the Supreme court;

The engrossed bill extending to the county of St. Clair the provisions of a certain act therein named, were severally read the third time and passed.

The engrossed bill for the relief of Sarah Ann Black, of Wilcox county, was read the third time.

Mr. Dear moved to amend by way of engrossed ryder, as follows:

Sec. — *And be it further enacted*, That Mary Hinson, of the county of Wilcox, wife of Allas C. Hinson, shall be capable in law of taking, receiving, and holding, all the property, real and personal, to which she may be entitled as an heir or distributa of her father, Alfred Blakeney, deceased; or any other property, real or personal, by gift, purchase, inheritance, or distribution, in the same manner, and to the same extent, that a *feme sole* may do; and the same shall vest in her for her own separate use and benefit, and be subject to her sole control and disposition; and the property so hereafter obtained not to be subject to, or liable for any of the debts of her said husband; but free from all liability for and on account of said debts of her said husband; and the said Mary Hinson shall have and enjoy all the rights, benefits and immunities, of a *feme sole*.

Sec. — *And be it further enacted*, That the said Mary Hinson shall and may be allowed to hold in like manner, free from the debts of her said husband, all or any property which she may accumulate hereafter by her own care and industry.

Mr. Rose moved to amend the amendment as follows, to wit:

“Be it further enacted, That Dorian A. Taylor, wife of Henry Taylor, of Talladega county, be, and she is hereby made capable of holding property as a *feme sole*, free from the contracts and liabilities of the said husband, with power to sue and be sued as such *feme sole*.”

Mr. Walker moved to refer the bill and amendments to the committee on the judiciary; which was carried.

The engrossed bill for the security of Sheriffs in certain cases;

The engrossed bill to amend the charter of the town of Mariosa, in Perry county;

The engrossed bill for the support of paupers in the county of Butler;

And the engrossed bill to reduce the fees of jurors and witnesses in the county of Tallapoosa, were severally read the third time and passed.

Ordered, that the same be sent to the Senate for its concurrence.

The engrossed bill to divorce Palatine McElton from her husband William McElton, was read the third time and passed—yeas 62, nays 10.

YEAS—messrs. Aldridge, Alexander, Allen, Baldwin, Barker, Bryan, Caffey, Campbell, Clancey, Clarke, C'emens, Cobb, Cook, Davis of B. Davis of L. Dear, Douglass, Drane, Evans, Fletcher, Franks, Garrett, Griffin, Hale, Hancock, Hefflin, Hendrix, Hill of B. Hill of T. Howard, Huntington, Jackson of A. Jackson of B. Jones of F. Lang, McGriff, McLemore, McMillion of J. Mitchell, Moore of M. Morrisett, Mudd, Norman, Oliver, Portis, Reid, Rose, Scruggs, Segar, Steele, Stringer, Sykes, Tate, Taylor, Todd, Trawick, Troup, Turner, Walker, Webb, Whitsitt and Williams of H.

NAYS—messrs. Alston, Anderson, Banks, Hubbard, McLeod, Miree, Moore of B. Sandidge, Snowden and Storrs.

Mr. Storrs from the committee on enrolled bills, reported as correctly enrolled,

An act to cancel the contract of sale of a certain sixteenth section in Russell county.

Mr. Jackson of B. offered the following resolution, to wit:

Resolved, That the President of the Branch of the Bank of the State of Alabama at Huntsville, be instructed forthwith to report to this house the authority under which said Branch Bank paid the State Bonds due in eighteen hundred and forty-two, eighteen hundred and forty-four, and eighteen hundred and sixty-five, in amount two hundred and nineteen thousand dollars, as announced in the Governor's message; the rate of discount at which they were taken in, bought up, or shaved, and how paid for, whether in specie or bills, and if the latter, designating the Bank or Branch issues used for that purpose.

Resolved further, That the President of said Branch Bank be further required to state the amount of Bonds as falling due in each of the years named, and to furnish copies of all correspondence in relation thereto.

Mr. McLemore moved to postpone the further consideration of the resolution until Wednesday next.

And then the House adjourned until Tuesday morning, at ten o'clock.

DECEMBER 26th, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the house a communication from the Branch Bank at Montgomery, in relation to the bad and doubtful debts due said Bank; which was referred to the committee on the State Bank and Branches.

Mr. Alexander presented the petition of Richard S. Coffee; which was referred to the committee on propositions and grievances.

Mr. Davis of L. introduced a bill to amend an act entitled an act to raise a revenue for the support of the State Government, and for other purposes; which was read the first time.

Mr. Winston moved to suspend the rule, and give the bill its second reading forthwith.

Mr. Griffin moved to lay the bill on the table; which was carried—yeas 52, nays 27.

YEAS—Messrs. Speaker, Alexander, Allen, Anderson, Baldwin, Banks, Bridges, Bryan, Campbell, Clemens, Cook, Dear, Douglass, Drane, Evans, Garrett, Griffin, Hale, Hancock, Hendrix, Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F. Lang, McAlpin, McGriff, McLeod, Meriwether, Miree, Mitchell, Moore of B. Moore of M. Mudd, Nall, Norman, Oliver, Portis, Reid, Sandidge, Scruggs, Stringer, Sykes, Taylor, Troup, Walker, Webb, Whitsitt and Williams of H.

NAYS—Messrs. Aldridge, Alston, Bugbee, Caffey, Calloway, Cobb, Davis of B. Davis of L. Fletcher, Franks, Hefflin, Hill of T. Jackson of B. Lankford, Martin, McCartney, McMillion of B. McMillion of J. Rose, Snowden, Steele. Storrs, Todd, Trawick, Turner, Williams of J. and Winston.

Mr. Clemens presented the account of Logan D. Brandon; which was referred to the committee on accounts.

Mr. Clemens introduced a bill relative to executors and administrators.

Mr. Clemens also introduced a bill to compel executors and administrators to make annual settlements of their accounts; which were severally read the first time, and ordered to a second reading.

Mr. Clemens introduced a bill to authorize the State Bank and Branches to receive bills of exchange in payment of debts due them.

Mr. Jackson of B. moved to lay the bill on the table; which was lost—yeas 10—nays 74.

YEAS—Messrs. Alston, Cook, Dunn, Humphreys, McLemore, McLeod, Webb and Williams of H.

NAYS—Messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Barker, Bridges, Bryan, Bugbee, Caffey, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Davis of B. Davis of L. Dear, Douglass, Drane, Evans, Fletcher, Franks, Garrett, Griffin, Hale, Hancock, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Huntington, Jackson of A. Lang, Lankford, Martin, McAlpin, McCartney, McGriff, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Moore of B. Mudd, Nall, Norman, Portis, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Steele, Storrs, Sykes, Taylor, Todd, Trawick, Troup, Turner, Walker, Whitsitt, Williams of J. and Winston.

The bill was then ordered to a second reading.

A message was received from the Governor, by Mr. Garrett, Secretary of State:

Mr. Speaker—His Excellency the Governor, has approved bills of the following titles:

An act for the relief of the Methodist Episcopal Church at Mountain Spring Camp Ground, in Jackson county:

An act for the relief of Benjamin Magonisk:

An act explanatory of an act entitled an act to regulate the State Bank of Alabama, and for other purposes, approved fourteenth February, eighteen hundred and forty-three:

An act to repeal in part a certain act therein named, and for other purposes:

An act to authorize the levying a special tax to build a court house in the county of St. Clair:

An act for the relief of John M. Jackson:

An act to compensate the commissioners of roads and revenue in Russell county:

An act to compensate tales jurors in the county of St. Clair: which bills originated in the House of Representatives.

Mr. Garrett also communicated to the House the following message from the Governor:

EXECUTIVE DEPARTMENT, }
TUSCALOOSA, DECEMBER 26, 1843. }

To the Speaker of the House of Representatives:

Sir—I have the honor to lay before the House of Representatives the annual report and a memorial from the Board of Trustees of the University of Alabama, adopted at their late session.

[Signed]

BENJAMIN FITZPATRICK.

Mr. Alston presented the petition of sundry citizens of Marengo county, in relation to a certain election precinct; which was referred to the committee on privileges and elections.

Mr. Calloway introduced a bill to secure the records of the Orphans' court of Dale county; which was read the first time, and ordered to a second reading.

Mr. Griffin presented the petition of John Echols, and other citizens of Marshall county; which was referred to the committee on the State Bank and Branches

Mr. Fletcher introduced a bill to establish the rate of interest.

Mr. Lang introduced a bill in relation to recognizances, in cases of gaming.

Mr. Lang introduced a bill amendatory of certain sections of the penal code; which were severally read the first time, and ordered to a second reading.

Mr. Todd presented the petition of sundry citizens of Mobile, praying the incorporation of the first volunteer regiment; which was referred to the committee on the military.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed the bill from the House to divorce Maria L. Davis from her husband James Davis.

The Senate has also passed the following bills, in which the concurrence of the House is requested:

An act for the relief of Dr. Thomas Moody of Clarke county.

An act in relation to costs of prosecutions in criminal cases in Mobile county.

Mr. Caffey presented the petition of sundry citizens of Lime Creek

Beat, in Montgomery county, in relation to an election precinct; which was referred to the committee on privileges and elections.

Mr. Caffey also presented the petition of Hosea Perry and others, in relation to an election precinct; which was referred to the committee on privileges and elections.

Mr. Bugbee introduced a bill to annex to the city of Montgomery a piece of land therein described; which was read the first time, and ordered to a second reading.

Mr. Bugbee introduced a bill to amend an act entitled an act to authorize the loan of a portion of the two per cent. fund to the Montgomery and West Point Railroad Company; which was read the first time, rule suspended, read the second time forthwith, and

On motion of Mr. Bugbee, referred to the committee on internal improvement.

Mr. Bugbee introduced a bill to restrain appeals from Justices of the Peace.

Mr. Bugbee introduced a bill in relation to the sale and disposition of the estates of infants.

Mr. Hefflin introduced a bill to change the name of the county seat of Randolph county from McDonald to Wedowe, and to incorporate the same; which were severally read the first time and ordered to a second reading.

Mr. Hefflin also introduced a petition in reference to the same subject, which was laid on the table.

Mr. Hefflin introduced a bill to regulate the proceedings of Justices' courts in the county of Randolph.

Mr. Segar introduced a bill to change the time of holding the county courts of Russell county.

Mr. Owens introduced a bill to authorize Charles McCardin and his associates to build and enjoy a fish-trap at the Wedusky shoals in Coosa river; which were severally read the first time, and ordered to a second reading.

Mr. Scruggs introduced a bill to authorize Richard Prince to erect a gate on the public road in Greene county, near Jones' Bluff; which was read the first time.

Mr. Scruggs moved that the rule be suspended, and that the bill receive its second reading forthwith; which was lost.

The bill was ordered to a second reading on to-morrow.

Mr. Baldwin introduced a bill to amend the laws now in force in relation to proceedings in Chancery; which was read the first time, and ordered to a second reading.

Mr. Huntington introduced a bill providing the mode of perpetuating testimony in certain cases; which was read the first time.

Mr. Huntington moved to suspend the rule, and give the bill its second reading forthwith; which was lost.

The bill was ordered to a second reading on to-morrow.

Mr. Meriwether presented the petition of Wm. Phifer and others; which was referred to the committee on the military.

Mr. Banks introduced a bill to reduce the number of Directors of the Bank of the State of Alabama, and for other purposes; which was read the first time, and ordered to a second reading.

Mr. Huntington presented the petition of Elias Persinger and others; which was referred to the committee on propositions and grievances.

Mr. Turner introduced a bill to authorize the duties of clerks of the circuit and county courts of Washington county, to be performed by the same person; which was read the first time, and ordered to a second reading.

Mr. Norman, from the committee on education, to whom was referred the bill the better to secure the performance of duty on the part of commissioners of sixteenth sections, reported that it was inexpedient and unnecessary to legislate on the subject.

The report was concurred in.

Mr. Norman, from the same committee, to whom was referred the petition of sundry citizens of township four, range three, in Limestone county; and also a bill to amend an act approved twenty-seventh February, eighteen hundred and forty-three, reported that the prayer of the petitioners ought not to be granted, and that it was inexpedient to pass the bill.

On motion of Mr. Davis of L. the report and bill were recommitted to the same committee.

Mr. Moore of M. from the committee on the State Bank and Branches, to whom was referred the resolution instructing said committee to inquire into the expediency of abolishing the office of President of each of the Branch Banks of this State, reported that it was inexpedient to legislate on the subject.

The report was concurred in.

Mr. Martin offered the following resolution, which was adopted:

Resolved, That the President of the Bank of the State of Alabama be instructed to communicate to this House whether any, and if any, how many suits were brought by the Bank of the State of Alabama, to a term of the county court of Tuscaloosa county, to have been held on the second Monday in December, eighteen hundred and forty-three; by whose advice such suits, if instituted, were brought; whether any, and if any, how many of such suits have been withdrawn; and if withdrawn, upon whose advice and for what reason; and, also, whether the Bank has been made liable to pay any costs, and if any to what amount in consequence of the withdrawal of such suits.

Mr. Mudd called up the resolution heretofore offered by Mr. Barron, in relation to afternoon and night sessions.

Mr. Hubbard moved to amend the resolution, by striking out the words "half past," where they occur before the word "one;" which was carried.

Mr. Martin moved to strike out so much of the resolution as relates to night sessions; which was carried, and the resolution, as amended, was adopted.

The hour of twelve having arrived, the House proceeded to the consideration of the special order, it being the resolutions heretofore offered by Mr. Taylor, in regard to the basis of Congressional representation.

Mr. Hubbard moved to lay the resolutions on the table.

Mr. Walker moved to postpone the further consideration of the resolutions until the twelfth day of January.

And the House adjourned.

AFTERNOON SESSION, Dec. 26, 1843.

The House met and resumed the consideration of the resolutions in regard to the basis of Congressional representation.

Mr. Walker withdrew his resolution to postpone until the twelfth of January.

Mr. Mudd withdrew his motion to lay on the table.

Mr. Huntington moved to amend the second resolution, as follows:

Strike out the words "in a particular State," in the second line, and insert in lieu thereof "the State of Alabama;" also by inserting after the word "among," in the fifth line, the words "the white population of."

Also, inserting after the word "to," in the seventh line, the words "the white population of"

Also, by inserting after the word "to," in the eighth line, the words "the white population of."

Mr. Bridges moved to suspend the rule requiring the House to adjourn at five o'clock; which was carried.

The House then adjourned.

DECEMBER 27, 1843.

The House met pursuant to adjournment.

Mr. Jackson of B. introduced the bill to regulate the advertising of Sheriffs' Coroner's, Register's in Chancery, and Administrator's sales of lands and negroes in the counties of Barbour, Macon, and Russell; which was read the first time, and ordered to a second reading.

Mr. Moore of B. presented the petition of sundry citizens of Baldwin county, in relation to William Theophilus Powell; which was referred to the committee on propositions and grievances.

Mr. Allen presented the petition of Henry B. Turner and others; and also the petition of John Maddox and others; which were referred to the committee on the sixteenth section fund.

Mr. Davis of B. presented the petition of Hugh Jones and Noah Fashée; which were referred to the committee on education.

Mr. Aldridge introduced a bill to compensate the Secretary of State for certain services therein named.

Which were severally read the first time, and ordered to a second reading.

Mr. McLemore introduced a bill to incorporate the Lafayette mechanics' literary association; which was read the first time, rule suspend-

ed, read the second time forthwith, and ordered to be engrossed for a third reading.

Mr. McLemore introduced a bill for the relief of Mildred Fitzpatrick, of the county of Macon; which was read the first time, and ordered to a second reading.

Mr. Garrett presented the petition of Benjamin G. Pollard; which was referred to the committee on propositions and grievances.

Mr. Hendrix presented the petition of James Clarke and others, in relation to an election precinct; which was referred to the committee on privileges and elections.

Mr. Hendrix presented the petition of Rayford Kent and others, in relation to the county site of Cherokee county; which was laid on the table.

Mr. Dear introduced a bill to reduce Constables fees in the county of Conecuh.

Mr. Rose introduced a bill to amend the penal code.

Which were severally read the first time, and ordered to a second reading.

Mr. Rose also presented the accounts of Josiah Butts; which were referred to the committee on accounts.

Mr. Winston introduced a bill to compensate a certain person therein named.

Mr. Jones of F., introduced a bill to levy a special tax in Franklin county.

Which were severally read the first time, and ordered to a second reading.

Mr. Jones of F., presented the accounts of Samuel Stephens; which were referred to the committee on accounts.

Mr. Williams of H. introduced a bill to divorce Irwin Register from his wife Mary Register; which was read the first time.

Mr. Williams moved to suspend the rule, and give the bill its second reading forthwith; which was lost.

The bill was ordered to a second reading on to-morrow.

Mr. Williams of H., introduced a bill to compensate John Chancey, an officer of Dale county, for services therein named, and for other purposes; which was read the first and second times forthwith, and referred to the committee on propositions and grievances.

Mr. Mudd introduced a bill to compensate a certain person therein named; which was read the first time, and ordered to a second reading.

Mr. Douglass presented the account of William Rogers; which was referred to the committee on propositions and grievances.

Mr. Tate introduced a bill to levy and collect a tax upon change tickets.

Mr. Lang introduced a bill to amend the existing law in relation to the foreclosure of mortgages.

Mr. Todd introduced a bill to regulate the fees of Justices and Constables in Mobile county.

Which were severally read the first time, and ordered to a second reading.

Mr. Storrs presented the petition of Bryant Rushing and others; which was referred to the delegation from Shelby.

Mr. Scruggs introduced a bill to incorporate the town of Tomkinsville, in the county of Sumter.

Mr. Scruggs introduced a bill for the relief of Isaac Swan, tax collector of Sumter county.

Which were severally read the first time, and ordered to a second reading.

Mr. Speaker laid before the House the record of divorce, in the case of Irwin Register vs. Mary Register; which was referred to the committee on divorce and alimony.

Mr. Clemens, from the committee on the judiciary, to whom was referred a bill to amend the statute of limitations, reported a substitute in lieu of the original bill, and recommended its passage.

The substitute was adopted, and ordered to be engrossed for a third reading.

Mr. Clemens, from the same committee, to whom was referred a bill for the benefit of overseers, reported a substitute in lieu of the original bill.

The substitute was adopted, and ordered to be engrossed for a third reading.

Mr. Clemens, from the same committee, to whom was referred the petition of sundry citizens in relation to the estates of deceased persons, reported that it is inexpedient to grant the prayer of the petitioners.

The report was concurred in.

Mr. Clemens, from the same committee, to whom was referred the bill to amend an act, entitled an act to prevent the sacrifice of real estate, reported the same back to the House with an amendment, and recommended its passage.

Mr. Moore of M. moved to recommit the bill, with instructions to amend the bill, so as to embrace all creditors; which was lost.

The amendment was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Clemens, from the same committee, to whom was referred a bill to authorize the filing of bills in Chancery in certain cases, reported the same to the House without amendment, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Norman, from the committee on education, to whom was referred a joint memorial to the Congress of the United States, in relation to the proper disposition of the two and three per cent. fund, reported the same back to the House amended, and recommended its passage.

Mr. Martin moved to postpone the memorial indefinitely.

A message was received from the Senate, by Mr. Clitherall:

Mr. Speaker—Bills of the following titles have passed the Senate:

An act the better to regulate the working of roads in Baldwin county, in certain cases:

An act to authorize the commissioners' court of Madison county to borrow a sum of money:

And, an act to divorce Palatine McElton from her husband William McElton.

The Senate has also passed bills to be entitled,

An act the better to define the duties of President and Directors of the Bank of the State of Alabama, and the several Branches thereof:

An act to compensate Clement C. Clay and J. Withers Clay, for certain services therein named.

An act incorporating the town of Union Springs, in the county of Macon; and

Joint resolutions rescinding a certain contract therein described; in which the concurrence of the House is requested.

The hour of twelve having arrived, the House proceed to the consideration of the special order, it being the resolutions heretofore offered by Mr. Taylor in regard to the basis of Congressional representation; the question pending on the amendment of Mr. Huntington.

Leave being granted, Mr. Huntington withdrew his amendment.

And the House adjourned.

AFTERNOON SESSION, Dec. 27, 1843.

The House met and resumed the consideration of the special order; the question pending on the adoption of the resolutions; and after some time spent in deliberating on the resolutions, the House adjourned.

DECEMBER 28TH, 1843.

The House met pursuant to adjournment.

Mr. Clemens moved to suspend the call of counties for this day, in order to permit the committee of the House to report; which motion prevailed.

Joint memorial of the Legislature of Alabama to the Congress of the United States, in relation to the proper disposition to be made of the two and three per cent. fund.

The question recurred on the motion pending, when the House adjourned, to indefinitely postpone the memorial.

The motion prevailed—yeas 56—nays 37.

YEAS—messrs. Speaker, Alston, Anderson, Baldwin, Bridges, Bugbee, Bryan, Caffey, Clarke, Clemens, Davis of L., Dear, Drane, Dunn, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Hefflin, Hendrix, Holstein, Howard, Jackson of A., Jackson of B., Lang, Lankford, Martin, McAlpin, McLemore, McLeod, Miree, Moore of B. Moore of M., Morrisett, Nall, Oliver, Rose, Sandidge, Scruggs, Segar, Snowden, Steele, Storrs, Sykes, Tate, Trawick, Turner, Webb, Whitsitt, Williams of H., Williams of J., Winston and Witherspoon.

NAYS—messrs. Aldridge, Alexander, Allen, Banks, Barker, Calloway, Campbell, Clancey, Cobb, Cook, Davis of B., Douglass, Harris, Hill of B., Hill of T., Hubbard, Humphreys, Huntington, Jones of F., J. D. Johnson, R. T. Johnston, McCarty, McGriff, McMillion of B., McMillion of J.,

Meriwether, Mitchell, Morris, Mudd, Norman, Owens, Portis, Reid, Stringer, Taylor, Troup and Walker.

Mr. Moore of M., from the committee on the State Bank and Branches, to whom was referred a resolution inquiring into the expediency of winding up the affairs of the State Bank and Branches, upon the plan therein proposed, reported unfavorably of the resolution.

The report was concurred in.

Mr. Moore of M., from the committee on the State Bank and Branches, to whom was referred the resolution requiring them to inquire into the expediency of repealing the law authorizing the appointment of Bank marshals, reported that it was inexpedient to legislate on the subject.

The report was laid on the table.

Mr. Bridges, from the committee on ways and means, to whom was referred a bill to authorize tax collectors to receive all county claims, in payment of county taxes, reported it as inexpedient to pass said bill.

Mr. Huntington moved to recommit the bill, with instructions to report a bill providing that witnesses' tickets, in cases where the State is liable for costs, be received in payment of county taxes; which motion was lost.

The report of the committee was concurred in.

Mr. Dunn, from the committee on Internal Improvement, to whom was referred a bill to amend an act to authorize the loan of a portion of the two per cent. fund to the Montgomery and West Point rail road company, reported the bill without amendment, and recommended its passage.

Mr. Davis of L., moved to amend the bill, by striking out "six," and inserting "eight."

Mr. McLemore moved to postpone the further consideration of the bill until to-morrow, and make it the special order of the day for eleven o'clock, A. M.

Which motion prevailed.

Mr. Frazier, from the committee on the military, to whom was referred a bill to incorporate the Jackson county guards, reported a substitute in lieu thereof; which was adopted.

The bill, as amended, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Frazier, from the same committee, to whom was referred the petition of sundry citizens of Marshall county, asking a change of the regimental boundary line, reported

A bill to change in part the line between the thirty-fifth and eighty-third regiments Alabama militia; which was read the first time, and ordered to a second reading.

Mr. Frazier, from the committee on the military, to whom was referred the petition of the officers of the sixth brigade, reported that it was inexpedient to pass the law desired by the petitioners.

Mr. Scruggs moved to disagree to the report.

The hour of twelve having arrived, the House proceeded to the consideration of the special order of the day—it being the resolutions in regard to the basis of Congressional representation.

Mr. Winston moved to postpone the further consideration of the resolutions until six o'clock, to-night.

Mr. Walker moved to postpone until the twelfth day of January.

A message from the Senate, by Mr. Clitherall;

Mr. Speaker—The Senate has passed bills entitled,

An act to make a further distribution of Clay's Digest;

An act incorporating the town of Dayton, in Marengo county;

Also the subjoined resolution:

Resolved, That with the concurrence of the House, the two Houses will assemble in the Hall of the House at twelve, M., on the second day of January next, for the purpose of electing a Warden of the Penitentiary, a Comptroller of Public Accounts, a State Treasurer, and a Trustee of the University, for the sixth Judicial circuit; in which the concurrence of the House is requested.

AFTERNOON SESSION, December 28, 1843.

The House met pursuant to adjournment, and proceeded to the consideration of the resolutions in regard to the basis of Congressional representation; the question pending on Mr. Walker's motion to postpone until the twelfth day of January.

Mr. Martin moved to suspend the consideration of the resolutions, that he might make a report from the select committee; which was carried.

Mr. Martin, from the select committee, to whom was referred the bill for the relief of the citizens of township fifteen, range eight, East, in Benton county; which was read the third time forthwith and passed.

Ordered, that the same be sent to the Senate for its concurrence.

The House proceeded to the consideration of the special order.

Mr. Walker withdrew his motion to postpone until the twelfth day of January.

Mr. Winston withdrew his motion.

Mr. Martin offered the following amendment, to wit:

Strike out all after the word "*Resolved*," and insert the following, that is to say:

That the committee on privileges and elections are hereby instructed to report a bill to repeal an act entitled an act to divide the State of Alabama into seven Congressional districts, according to the White population, approved the thirteenth February, one thousand eight hundred and forty-three, and to provide that all members hereafter elected to the House of Representatives of the American Congress, shall be elected by general ticket.

Mr. Martin moved that the further consideration of the bill and amendment be postponed until to-night, at six o'clock; which was lost—yeas 38, nays 50:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Barker, Calloway, Campbell, Clarke, Clemens, Cook, Dear, Evans, Franks, Frazier, Griffin, Hancock, Hefflin, Hill of T. Jackson of A., J. D. Johnson, Lankford, Martin, McCartey, McMillion of B. McMillion of J. Moore

of M. Morris, Nall, Reid, Rose, Sandidge, Segar, Steele, Stringer, Todd, Troup, Walker, Whitsitt, and Winston.

NAYS—messrs. Alston, Anderson, Baldwin, Banks, Barron, Bridges, Bugbee, Caffey, Clancey, Cobb, Davis of B. Davis of L. Douglass, Drane, Dunn, Garrett, Hale, Harris, Hendrix, Hill of B. Holstein, Howard, Hubbard, Humphreys, Jackson of B. Jones of F., R. T. Johnston, Lang, McAlpin, McGriff, McLemore, McLeod, Meriwether, Miree, Mitchell, Morrisett, Norman, Owens, Portis, Scruggs, Williams of J. and Witherspoon.

Mr. Clemens moved to lay the resolutions and amendment on the table.

Mr. Martin called for a division of the question, which was first taken on laying the amendment on the table, and carried—yeas 45, nays 44:

YEAS—messrs. Alston, Anderson, Banks, Barker, Barron, Bridges, Bugbee, Caffey, Calloway, Campbell, Davis of B. Dear, Drane, Dunn, Evans, Franks, Garrett, Hale, Hendrix, Howard, Huntington, Jackson of B., Jones of F., J. D. Johnson, R. T. Johnston, Lang, McAlpin, McGriff, McLemore, McLeod, Meriwether, Morrisett, Nall, Norman, Rose, Scruggs, Segar, Snowden, Storrs, Taylor, Turner, Walker, Webb, Williams of H. and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen, Baldwin, Clancey, Clarke, Clemens, Cobb, Cook, Davis of L. Douglass, Frazier, Griffin, Hancock, Harris, Hefflin, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Jackson of A. Lankford, Martin, McCartey, McMillion of B. McMillion of J. Miree, Mitchell, Moore of M. Morris, Portis, Reid, Sandidge, Steele, Stringer, Sykes, Tate, Todd, Troup, Whitsitt, Williams of J. and Winston.

The question then recurred on laying the resolution on the table, and was lost—yeas 29, nays 61:

YEAS—messrs. Aldridge, Alexander, Allen, Clemens, Cobb, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of T. Holstein, Jackson of A. Lang, Lankford, McMillion of B. McMillion of J. Moore of M. Morris, Owens, Rose, Sandidge, Steele, Todd, Troup, and Winston.

NAYS—messrs. Alston, Anderson, Baldwin, Banks, Barker, Barron, Bugbee, Bridges, Caffey, Calloway, Campbell, Clancey, Clarke, Cook, Davis of B. Davis of L. Dear, Douglass, Drane, Dunn, Evans, Hale, Hill of B. Howard, Hubbard, Humphreys, Huntington, Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Martin, McAlpin, McCartey, McGriff, McLemore, McLeod, Meriwether, Miree, Mitchell, Morrisett, Mudd, Nall, Norman, Portis, Reid, Scruggs, Segar, Snowden, Stringer, Storrs, Tate, Taylor, Turner, Walker, Webb, Whitsitt, Williams of H. Williams of J. and Witherspoon.

The House refused to lay the resolution on the table, and after some time spent in deliberating on the resolutions, the House adjourned.

DECEMBER 29th, 1843.

The House met pursuant to adjournment.

The House resumed the consideration of the report made by the committee on the military, on the petition of the officers of the sixth brigade of the Alabama militia.

The report was laid on the table.

Mr. Speaker laid before the House a record of divorce; which was referred to the committee on divorce and alimony.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, transmitting the accounts of Benjamin D. Cook, and James C. Camp; which were referred to the committee on accounts.

Mr. Speaker laid before the House a communication from the President of the Bank of the State of Alabama, in answer to a resolution adopted by this House, seeking information in regard to suits brought by the Bank of the State of Alabama to the December term of the county court of Tuscaloosa county; which was referred to the committee on the State Bank and Branches.

Mr. Frazier, from the committee on the military, to whom was referred the petition of sundry citizens of Mobile, praying the incorporation of the first volunteer regiment, reported a bill for the more effectual preservation of the arms of the State, in charge of the first volunteer regiment; which was read the first time and ordered to a second reading.

Mr. Dear, from the committee on propositions and grievances, to whom was referred the petition of Freeman Tremier, reported that it was inexpedient and improper to grant the prayer of the petitioner.

The report was concurred in.

Mr. Dear, from the same committee, to whom was referred the petition of Adam Beard, of Madison county, reported that it was inexpedient to legislate on the subject.

The report was concurred in.

Mr. Dear, from the same committee, to whom was referred the petition of Josiah C. Nott, and others, reported that it was inexpedient to legislate on the subject.

The report was concurred in.

Mr. Dear, from the same committee, to whom was referred the petition of Clement Joseph, reported a bill to confirm the emancipation of a certain person therein named; which was read the first time and ordered to a second reading.

Mr. Dear, from the same committee, to whom was referred the petition of sundry citizens of Mobile, for a change of the road laws of Mobile county, reported that no sufficient reasons were shown in the petition for a change.

The report was concurred in.

Mr. Dear, from the same committee, to whom was referred the petition of sundry citizens of Franklin county; in behalf of James Patterson, together with a bill to restore to citizenship James Patterson of the

county of Franklin, reported a substitute in lieu of the original bill, which was ordered to be engrossed for a third reading.

Mr. Dear, from the committee on propositions and grievances, to whom was referred the petition of Ralph Garner, reported a bill for the relief of Ralph Garner; which was read the first time and ordered to a second reading.

Mr. Dear, from the same committee, to whom was referred the bill for the relief of Bridget O'Brian, reported the same to the House, and recommended its passage.

The bill was read a third time and passed.

Mr. Dear, from the same committee, to whom was referred a petition of George Williams, and others, of Butler county, reported that it was inexpedient to grant the prayer of the petitioner.

The report was concurred in.

Mr. Dear, from the same committee, to whom was referred a petition in behalf of John M. Bloodgood, of Barbour county, reported a bill for the relief of John M. Bloodgood; which was read the first time and ordered to a second reading.

Mr. Dear, from the same committee, to whom was referred the petition of E. B. Gale, and others, of the city of Mobile, reported that it was inexpedient to legislate on the subject.

The report was laid on the table.

Mr. Spruill, from the committee on ways and means, to whom was referred the petition of sundry citizens of Lauderdale county, praying a change in the mode of assessing taxes, reported that it was inexpedient to legislate on the subject.

The report was laid on the table.

Mr. Spruill, from the same committee, to whom was referred a resolution instructing the committee to enquire into the amount of revenue raised under the present revenue laws, reported that the information sought had already been received by the House.

In which report the House concurred.

Mr. Evans, from the committee on accounts, to whom was referred the accounts of Drs. Warren and Corbin, reported that it was inexpedient to allow said accounts.

The report was concurred in.

Mr. Alston, from the committee on county boundaries, to whom was referred the petition of sundry citizens of Greene county, praying to be attached to the county of Perry, reported a bill to attach a part of the county of Greene to the county of Perry; which was read the first time and ordered to a second reading.

Mr. Alston, from the same committee, to whom was referred the petition of sundry citizens of Lowndes county, praying to be annexed to the county of Dallas, reported that it was inexpedient to grant the prayer of the petitioners.

The report was concurred in.

Mr. Alston, from the same committee, to whom was referred a petition of sundry citizens of the counties of Greene and Pickens, in rela-

tion to the county boundaries between the two counties, reported that it was inexpedient to legislate upon the subject.

On motion of Mr. R. T. Johnston, the report and petition were laid on the table.

Mr. Dear, from the select committee, to whom was referred the petition of John K. Armstead, and others, of the county of Wilcox, reported a bill in relation to the rescission of a certain contract of purchase of a part of the sixteenth section, in township twelve, range five, in Wilcox county; which was read the first time and ordered to a second reading.

Mr. Moore of M. from the select committee, to whom was referred a bill to incorporate the town of Huntsville, reported the same to the House with amendments, and recommended its passage.

The amendments were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. McLeod, from the select committee, to whom was referred the petition of sundry citizens of Pike county, reported a bill to annex a part of Pike to Barbour county; which was read the first time and ordered to a second reading.

Mr. Scruggs, from the select committee, to whom was referred the bill to change the time of holding the county court of Sumter county, reported that it was inexpedient to legislate further upon the subject.

The report was concurred in.

Mr. Clemens, from the select committee on the sixteenth section fund, reported three bills to the House, to wit:

A bill to regulate the sixteenth section school fund:

A bill to secure and regulate the sixteenth section school fund:

And, a bill to provide for the safe keeping and management of the sixteenth section fund in this State.

The hour of eleven having arrived, the House took up the special order, it being a bill to amend an act to authorize a loan of a portion of the two per cent. fund to the Montgomery and West Point Rail Rail Company.

Mr. Winston moved to refer the bill to a select committee, to consist of one member from each judicial circuit; which was carried.

The House resumed the consideration of the bills, reported by the committee on the sixteenth section funds.

Mr. Walker moved to lay the bills on the table, and that one hundred and thirty-three copies of the bill to provide for the safe keeping and management of the sixteenth section fund in this State, be printed for the use of the House.

A division of the question was called, and the question was first taken on laying the bills on the table, and carried.

The question then recurred on ordering the printing of one hundred and thirty-three of the bill specified in the motion, and carried—yeas 59, nays 28.

YEAS—Messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Barker, Barron, Bridges, Bryan, Bugbee, Caffey, Calloway, Campbell, Clemens, Cobb, Davis of L. Douglass, Dunn, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Hefflin, Hendrix, Hill of B. Holstein, Howard, Huntington, Jones of F., R. T. Johnston, Lankford, McAlpin, McGriff, McLeod, McMillion of J. Meriwether, Miree, Moore of M. Morrisett, Oliver, Reid, Rose, Sandidge, Scruggs, Snowden, Steele, Stringer, Storrs, Tate, Trawick, Walker, Webb, Williams of J. Winston, and Witherspoon.

NAYS—Messrs. Alston, Baldwin, Banks, Clancey, Clarke, Cook, Davis of B. Dear, Drane, Hill of T. Hubbard, Humphreys, Jackson of A. Jackson of B., J. D. Johnson, McLemore, McMillion of B. Mitchell, Morris, Mudd, Norman, Portis, Segar, Spruill, Taylor, Troup, Whitsitt, and Williams of H.

Mr. Jackson of B. moved that one hundred and thirty-three copies of the bill to regulate the sixteenth section school fund, be ordered to be printed; which was lost—yeas 23, nays 62:

YEAS—messrs. Speaker, Campbell, Clemens, Cook, Dunn, Hale, Huntington, Jackson of B. Jones of F., Martin, McAlpin, McGriff, McLeod, Miree, Moore of B. Portis, Rose, Storrs, Sykes, Tate, Trawick, Walker, and Webb.

NAYS—messrs. Aldridge, Alexander, Allen, Alston, Baldwin, Banks, Barker, Barron, Bridges, Bugbee, Bryan, Caffey, Calloway, Clancey, Clarke, Cobb, Davis of B. Davis of L. Dear, Douglass, Drane, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hill of T. Holstein, Howard, Humphreys, Jackson of A., R. T. Johnston, Lankford, McLemore, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of M. Morris, Morrisett, Mudd, Norman, Oliver, Reid, Sandidge, Scruggs, Segar, Snowden, Spruill, Steele, Stringer, Taylor, Troup, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed the following bills, to be entitled,

An act extending to the county of St. Clair the provisions of a certain act therein named:

An act to reduce the fees of jurors and witnesses, in the county of Tallapoosa:

And, an act to change the names of certain persons therein named.

The Senate has originated and passed bills of the following titles, in which the House is requested to concur:

An act to repeal in part and amend an act entitled an act to prevent the sacrifice of real estate:

An act the better to enforce the liability of sheriffs, and for other purposes:

An act to establish a board of Physicians in Chambers county:

An act to fix the compensation of the clerk of the Supreme court:

And, an act to provide for the taking the census of the State of Alabama, for the year eighteen hundred and forty-four.

Mr. McMillion of B. from the committee on enrolled bills, reported as correctly enrolled:

An act to extend to the county of St. Clair the provisions of certain acts therein named:

An act to divorce Palatine McElton from William McElton:

An act to change the names of certain persons therein named:

And, an act to reduce the fees of jurors and witnesses, in the county of Tallapoosa.

The hour of twelve having arrived, the House proceeded to the consideration of the special order, it being the resolutions in relation to the basis of Congressional representation, the question pending on the adoption of the resolutions.

And then the House adjourned.

AFTERNOON SESSION, December 29th, 1843.

The House met, and resumed the consideration of the resolutions in regard to the basis of Congressional representation, the question pending on the adoption, and after some time spent in deliberating on the resolutions, the House adjourned.

DECEMBER 30th, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, transmitting the accounts of John W. Suttle, and Daniel Cribbs; which were referred to the committee on accounts.

Mr. McMillion of B. reported as correctly enrolled:

An act to divorce Maria L. Davis from her husband Jas. Davis:

An act to regulate the working of roads in Baldwin county, in certain cases:

And, an act to authorize the commissioners' court of Madison county, to borrow a sum of money.

Mr. Jackson of A. introduced a bill in relation to the payment of Bank debts.

Mr. Jackson of A. introduced a bill to authorize the citizens of Autauga county to locate a seat of justice for said county.

Mr. Jackson of A. introduced a bill to provide for the payment of witnesses in certain cases; which were severally read the first time and ordered to a second reading.

Mr. Hendrix presented the petition of sundry citizens of Cherokee county, in relation to the county site of said county; which was laid on the table.

Mr. Rose introduced a bill making appropriations for certain roads therein mentioned; which was read the first time and ordered to a second reading.

Mr. Hendrix presented the accounts of H. Hughes and William F. Means; which were referred to the committee on accounts.

Mr. Evans presented the petition of Eliza Kenan; which was referred to the committee on the judiciary.

Mr. Evans introduced a bill to incorporate St. Paul's Church, at Carlowville, in Dallas county.

Mr. Cook moved to lay the bill on the table; which was lost.

The bill was ordered to a second reading.

Mr. Winston introduced a bill to define and establish the county line between the counties of De Kalb and Cherokee; which was read the first and second times, and referred to the delegations from Cherokee and De Kalb.

Mr. Winston introduced a bill to incorporate the Tennessee and Coosa Rail Road Company; which was read the first and second times, and referred to a select committee, to consist of one member from each circuit.

Mr. Norman introduced a memorial to Congress, in relation to a certain mail route therein named; which was read and adopted.

Mr. Witherspoon presented the accounts of C. J. Gully; which were referred to the committee on accounts.

Ordered, that leave of absence be granted to Mr. Webb, until Tuesday next.

Mr. Williams of H. introduced a bill to compensate Drs. Warren and Corbin, for services rendered the citizens of Henry county; which was read the first and second times forthwith, and referred to the committee on propositions and grievances.

Mr. Frazier introduced a bill to define more plainly the line between Jackson and De Kalb counties; which was read the first time and ordered to a second reading.

Mr. Barker presented the petition of Joseph H. Walker, and others, of the county of Lauderdale; which was referred to the committee on propositions and grievances.

Mr. Davis of L. introduced a bill for the benefit of the estate of Jas. Odell; which was read the first time and ordered to a second reading.

Mr. Oliver presented the petition of the Independent Cavalry Company, of Auburn; which was referred to the committee on the military.

Mr. Oliver introduced a bill to incorporate the Enon Male and Female Academy, in the county of Macon.

Mr. Alston introduced a bill to repeal an act entitled an act to attach a part of the county of Pickens to the county of Greene; which was read the first and second times forthwith, and Mr. Witherspoon moved to amend by way of substitute.

Mr. Hale moved to refer the bill to the committee on county boundaries; which was carried.

Mr. McCartey introduced a bill to provide for selecting grand jurors, in the county of Marion; which was read the first time and ordered to a second reading.

Mr. Calloway introduced a bill to change the place of holding the chancery court in the eighth chancery district of Alabama; which was read the first time.

Mr. Williams of H. moved to lay the bill on the table; which was lost.

The bill was ordered to a second reading.

Mr. Dunn introduced a bill to amend an act entitled an act for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile, which was read the first and second times forthwith, and referred to the committee on the State Bank and Branches.

Mr. Dunn also introduced a petition in reference to the same subject; which was also referred to the committee on the State Bank and Branches.

Mr. McAlpin presented the petition of sundry citizens of Mobile, in relation to the emancipation of Elam Page; which was referred to the committee on propositions and grievances.

Mr. McAlpin introduced a bill to authorize the judge of the county court of Mobile, to have juries drawn for the special term of said court and for other purposes.

Mr. Humphreys introduced a bill for the payment of a certain sum of money therein named.

Mr. Hefflin introduced a bill to fix the pay of the jurors and witnesses, in the county of Randolph.

Mr. Hefflin introduced a bill to establish a chancery court in and for the county of Randolph.

Mr. R. T. Johnston introduced a bill to alter the time of holding the commissioners' court of the county of Pickens; which were severally read the first time and ordered to a second reading.

Mr. Spruill introduced a bill to regulate the pay of sheriffs for attending the Supreme Court of this State; which was read the first and second times forthwith, and referred to the committee on the judiciary.

Mr. R. T. Johnston introduced a bill to incorporate the town of Pickensville; which was read the first time.

Mr. Johnston moved that the rule be suspended, and the bill receive its second reading forthwith; which was lost.

The bill was ordered to a second reading on to-morrow.

Mr. Storrs introduced a bill for the support of paupers, in the county of Shelby; which was read the first time, second and third times forthwith, and passed.

Mr. Clarke introduced a bill to provide for the payment of interest on the State bonds.

Mr. Clarke introduced a bill to repeal in part an act therein named; which were severally read the first time and ordered to a second reading.

The hour of twelve having arrived, the House proceeded to the consideration of the special order, it being the resolutions in regard to the basis of Congressional representation, the question pending on the adjournment.

And the House adjourned.

AFTERNOON SESSION, December 30th, 1843.

The House met, and resumed the consideration of the resolutions in regard to the basis of Congressional representation, the question still pending on their adoption; and after some time spent in deliberating on the resolutions, the House adjourned until Monday morning, at half past nine o'clock.

MONDAY, January 1st, 1844.

The House met pursuant to adjournment.

Mr. McMillion of J. moved a call of the House; which was carried; and the following members answered to their names, to wit:

Messrs. Speaker, Aldridge, Alexander, Allen, Banks, Caffey, Calloway, Clancey, Clarke, Cobb, Cook, Douglass, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hill of T. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, McCartey, McGriff, McMillion of B. McMillion of J. Moore of B. Morris, Mudd, Owens, Portis, Reid, Rose, Sandidge, Scruggs, Segar, Spruill, Steele, Storrs, Tate, Taylor, Troup, Webb, Williams of J. Winston and Witherspoon.

Ordered, that leave of absence be granted to Mr. Barker.

Mr. Clemens moved to suspend the call of counties; which was carried.

Mr. Clemens moved that the House proceed with the consideration of the resolutions in regard to the basis of Congressional representation; which was carried.

The House took up the resolutions, the question still pending on their adoption.

Mr. Dunn moved a call of the House; which was sustained, and the following members answered to their names, to wit:

Messrs. Speaker, Aldridge, Alexander, Allen, Alston, Anderson, Baldwin, Banks, Barron, Bridges, Bugbee, Bryan, Caffey, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Davis of B. Davis of L. Dear, Douglass, Drane, Dunn, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Howard, Humphreys, Huntington, Jackson of A. Jackson of B. J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McAlpin, McCartey, McGriff, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Moore of M. Morris, Morrisett, Mudd, Nall, Norman, Oliver, Owens, Portis, Reid, Rose, Sandidge, Scrugg, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Sykes, Tate, Taylor, Todd, Trawick, Troup, Turner, Walker, Webb, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon.

Mr. Walker moved to reconsider the vote taken on the motion for a call of the House; which was carried.

The question then recurred on the adoption of the resolution.

A division of the question was called, and it was first taken on the adoption of the first resolution; which is in these words:

Resolved, That the only true measure of political power guarantied to the States of this Union, by the Constitution of the United States, touching their federal representation, is the enumeration of the whole number of free persons in each State, including those bound to service for a term of years, and excluding Indians, not taxed, three-fifths of all other persons.

The resolution was adopted—yeas 94, nays 1:

YEAS—Messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Barron, Bridges, Bugbee, Bryan, Caffey, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Davis of B. Davis of L. Dear, Douglass, Drane, Dunn, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Howard, Huntington, Jackson of A. Jackson of B., Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McAlpin, McCartey, McGriff, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of B. Moore of N. Morris, Morrissett, Mudd, Nall, Norman, Oliver, Owens. Portis, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Sykes, Tate, Taylor, Todd, Trawick, Troup, Turner, Walker, Webb, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon.

Mr. Humphreys voted in the negative.

The question recurred on the adoption of the second resolution.

Mr. Huntington moved to amend by way of substitute, as follows, to wit:

That in the formation of Congressional districts in the State of Alabama, in view of furnishing her federal representation, under the district system, equality of political power among the white population of the State, should be the governing principle, and the adoption of any other rule or basis, giving more political power to the white population of one section of the State, than to the white population of another section, is manifestly unequal and unjust, and in violation of the spirit of the Federal Constitution, and of the letter and spirit of the Constitution of Alabama.

Mr. Clemens moved to suspend the rule requiring the House to adjourn at one o'clock; which was carried.

Mr. Speaker decided that the effect of the vote was to suspend for the day, the entire resolution fixing the hours for the meeting and adjournment of the House.

Mr. McLemore appealed from the decision of the chair; and, on the question shall the chair be sustained, the vote stood—yeas 49, nays 36.

YEAS—messrs. Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Bryan, Caffey, Calloway, Campbell, Clancey, Cobb, Davis of B. Dear, Douglass, Drane, Evans, Franks, Garrett, Hancock, Harris, Hefflin, Hendrix, Hill of T. Jones of F., J. D. Johnson, Lang, Martin, McGriff, McLeod. McMillion of J. Meriwether, Miree, Morris, Norman, Owens, Reid, Sandidge, Steele, Stringer, Sykes, Todd, Trawick, Troup, Turner, Walker, Whitsitt, Williams of H. and Williams of J.

NAYS—messrs. Alston, Barron, Bridges, Bugbee, Dunn, Frazier, Griffin, Hale, Hill of B. Howard, Hubbard, Humphreys, Huntington,

Jackson of A. Jackson of B., R. T. Johnston, Lankford, McAlpin, McCarty, McLemore, Mitchell, Morrisett, Mudd, Oliver, Portis, Rose, Scruggs, Segar, Snowden, Spruill, Storrs, Taylor, Webb, Winston and Witherspoon.

The decision of the Speaker was sustained.

The question then recurred on the amendment offered by Mr. Huntington.

Mr. McAlpin moved to lay the amendment on the table.

Mr. Moore of N. moved to lay the resolutions and amendment on the table.

Mr. Alston moved to suspend the further consideration of the resolutions until to-morrow at eleven o'clock.

Mr. Bridges moved to postpone the resolutions until the thirteenth day of January, and make them the special order for six o'clock, P. M. of that day; which was carried—yeas 54, nays 40.

YEAS—Messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Bryan, Caffey, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Davis of L. Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Heflin, Hendrix, Hill of B. Hill of T. Hubbard, Humphreys, Jackson of A. Jones of F. Lang, Lankford, McCarty, McGriff, McLeod, McMillion of B. McMillion of J. Miree, Moore of B. Moore of M. Morris, Mudd, Norman, Reid, Rose, Sandidge, Steele, Stringer, Sykes, Tate, Todd, Troup, Turner, Williams of J. and Winston.

NAYS—Messrs. Alston, Anderson, Baldwin, Banks, Barron, Bughee, Davis of B. Dear, Douglass, Drane, Dunn, Evans, Hale, Howard, Huntington, Jackson of B., J. D. Johnson, R. T. Johnston, Martin, McAlpin, McLemore, Meriwether, Mitchell, Morrisett, Nall, Oliver, Owens, Portis, Scruggs, Segar, Snowden, Spruill, Storrs, Taylor, Trawick, Walker, Webb, Whitsitt, Williams of H. and Witherspoon.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate refused to pass the bill from the House entitled an act to authorize the sale of the Reports of the Supreme Court; and has passed a bill for the support of paupers in the county of Butler.

The Senate has also originated and passed bills of the following titles, to wit:

An act to repeal the twenty-fifth and thirty-fifth sections of the laws of this State, under the head of "General Assembly," in Clay's Digest:

An act in relation to battalion courts martial:

An act to repeal an act therein named:

And an act to reduce the compensation of the sheriff of Tuscaloosa county for attendance on the Supreme Court.

On motion of Mr. Portis,

Resolved. That the use of the Hall of the House of Representatives be granted to the Whig Convention which is to assemble in this city, at and after the hour of six o'clock, P. M. of every day, until the said convention shall adjourn.

Mr. Walker moved that the House do now adjourn until to-morrow morning, half past nine o'clock; which was lost—yeas 23, nays 58.

YEAS—Messrs. Speaker, Baldwin, Bryan, Davis of B. Dunn, Fletch-

er, Garrett, Hill of B. Jackson of B. Lang, McAlpin, McGriff, McLead, Norman, Oliver, Owens, Rose, Steele, Storrs, Turner, Walker, Williams of H. and Williams of J.

NAYS—Messrs. Aldridge, Alexander, Allen, Alston, Banks, Barron, Bugbee, Caffey, Calloway, Clancey, Cobb, Davis of L. Douglass, Drane, Evans, Franks, Frazier, Griffin, Hale, Hancock, Harris, Hefflin, Hendrix, Hill of T. Howard, Humphreys, Huntington, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, Martin, McCartey, McLamore, McMillion of J. Miree, Mitchell, Moore of M. Morrisett, Mudd, Portis, Reid, Sandidge, Scruggs, Segar, Snowden, Spruill, Sykes, Taylor, Todd, Trawick, Troup, Webb, Whitsitt, Winston and Witherspoon.

On motion of Mr. Sykes, the house adjourned until four o'clock, P. M.

AFTERNOON SESSION, January 1st, 1844.

The House met pursuant to adjournment.

Mr. Davis of L. moved to suspend the orders of the day, that the House might take up the message from the Senate; which was lost.

The House then proceeded to the consideration of the special order, it being the bill to reduce the number of Directors of the several Branch Banks of the State of Alabama.

Mr. Hubbard moved to amend as follows:

And be it further enacted, That in no event shall any money be paid to a Bank Attorney for collecting or securing debts marked "doubtful," or "bad," except out of the proceeds of such debts; and then upon debts marked "doubtful," not exceeding five per cent. shall be paid upon sums collected or secured over one thousand dollars; nor more than ten per cent on sums less than one thousand dollars.

Mr. Martin moved to strike out the word "five," where it occurs in the amendment.

And then the House adjourned until to-morrow morning, at half past nine o'clock.

JANUARY 2d, 1844.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, Comptroller, transmitting the accounts of George Huggins, and John R. Slaughter; which were referred to the committee on accounts.

Mr. Bridges moved to take up the resolutions communicated to this House by the Governor from other States; which was carried, and the resolutions referred to the committee on federal relations.

Mr. Clarke introduced a bill to fix the times for regimental reviews in the sixteenth brigade, A. M. and for other purposes; which was read the first time, and ordered to a second reading.

Mr. Clarke introduced a bill to change the times of holding certain courts therein named; which was read the first and second times forthwith, and referred to a select committee consisting of the counties mentioned in the bill.

Mr. Huntington presented the account of Larkin Poe;

And also a bill for the relief of Larkin Poe; which was read the first and second times forthwith, and together with the petition, referred to the committee on accounts.

Mr. Mitchell presented the petition of Joseph Maharry, to erect two gates across a certain road therein named;

And also a bill in relation to the same subject; which was read the first and second times forthwith, and referred, together with the petition to the committee on roads, bridges and ferries.

Mr. Dear presented the account of D. F. Henderson; which was referred to the committee on accounts.

Mr. Moore of M. from the committee on the State Bank and Branches, to whom was referred the correspondence of the President of the State Bank, with the President of the Bank of Mobile, in regard to the payment of the interest on the State Bonds for the year eighteen hundred and forty-four, reported that there was nothing in the correspondence which required legislative action, and that it would be inexpedient to legislate on the subject.

On motion of Mr. Hubbard, the report was laid on the table.

Mr. Frazier, from the committee on the military, to whom was referred the petition to attach a portion of the eighteenth regiment, in Tuscaloosa county, to the seventeenth regiment, reported a bill in accordance with the prayer of the petitioners; which was read the first, second and third times forthwith, and passed.

Mr. Frazier, from the same committee, to whom was referred the petition of the independent cavalry company, reported that the twelfth section, seventh chapter of the military code, was adequate to meet the prayer of the petitioners, and that it was inexpedient to legislate on the subject.

The report was concurred in.

Mr. Frazier, from the same committee, to whom was referred the petition of the Greensboro' Guards, reported that it was inexpedient to legislate upon the subject.

The report was laid on the table.

Mr. Frazier, from the same committee, to whom was referred the bill concerning courts martial, reported that it was inexpedient to legislate on the subject.

The report was laid on the table.

Mr. Frazier, from the same committee, to whom was referred the petition of the seventy-second regiment, relating to a repeal of the law authorizing the appointment of brigade drill officers, reported that it was inexpedient to legislate on the subject.

The report was laid on the table.

Mr. Moore of M. from the committee on the State Bank and Branches, to whom was referred the resolution instructing said committee to enquire into the expediency of authorizing the President and Directors to discharge from liability the names of parties known to be hopelessly insolvent, &c., reported that it was inexpedient to make the changes contemplated by said resolutions.

The report was concurred in.

Mr. Moore of M. from the same committee, to whom was referred the resolution instructing the committee to enquire into the expediency of altering and amending the law requiring Bank debtors (before they can renew their notes) to give the same endorsers, reported that it was inexpedient to legislate upon the subject.

The report was laid on the table.

Mr. Moore of M. from the same committee, to whom was referred the petition of John Echols and others, reported that the documents referred did not authorize the payment of the sum of money prayed for in the petition.

The report was concurred in.

Mr. Bridges, from the committee on ways and means, to whom was referred the bill to amend the laws relative to taxes, reported that it was inexpedient to legislate on the subject.

The report was laid on the table.

The bill was referred to a select committee consisting of one member from each circuit.

A message from the Governor, by Mr. Garrett, Secretary of State:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles, to wit:

An act to authorize the commissioners court of Madison county to borrow a sum of money:

An act to change the names of certain persons therein mentioned:

An act to reduce the fees of jurors and witnesses in the county of Talapoosa:

An act extending to the county of St. Clair the provisions of a certain act therein named:

An act to regulate the working of roads in Baldwin county, in certain cases:

An act to divorce Maria L. Davis from her husband James Davis:

And an act to divorce Palatine McElton from her husband William McElton; all of which originated in this house.

The resolution from the Senate, proposing to assemble in the Hall of the House on Wednesday, the third day of January, to elect a Warden of the Penitentiary, a Comptroller, a State Treasurer, and a Trustee for the sixth judicial circuit, was concurred in.

Mr. Clarke, from the committee on divorce and alimony, reported a bill to divorce Irwin Register from his wife Mary Register; which was read the first and second times, and ordered to be engrossed for a third reading.

Mr. Clarke, from the committee on divorce and alimony, reported a bill to divorce Elizabeth Holloway from Washington Holloway; which was read the first and second times forthwith, and ordered to be engrossed for a third reading.

Mr. Clarke, from the committee on the sixteenth section fund, to whom was referred the bill in relation to sixteenth section lands, reported a substitute in lieu of the original bill, and recommended its passage.

Mr. Moore of M. moved to lay the bill and substitute on the table, and that one hundred copies of the substitute be ordered to be printed.

A division of the question was called, which was first taken on laying the bill and amendment on the table, and carried.

The question then recurred on ordering the printing of one hundred copies of the substitute, and was lost—yeas 28, nays 59.

YEAS—Messrs. Allen, Anderson, Baldwin, Barron, Bugbee, Bryan, Clarke, Cook, Davis of B. Garrett, Hefflin, Hill of B. Hill of T. Jackson of B. Martin, McGriff, McLeod, Miree, Moore of M. Reid, Scruggs, Stringer, Tate, Todd, Webb, Whitsitt, Williams of H. and Witherspoon.

NAYS—Messrs. Aldridge, Alexander, Alston, Banks, Bridges, Caffey, Calloway, Campbell, Clemens, Cobb, Dear, Douglass, Drane, Evans, Fletcher, Franks, Frazier, Griffin, Hale, Hancock, Harris, Hendrix, Hatcher, Howard, Hubbard, Humphreys, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, McAlpin, McCartney, McMillion of B. McMillion of J. Meriwether, Mitchell, Morrisett, Mudd, Norman, Oliver, Owens, Portis, Rose, Sandidge, Segar, Snowden, Spruill, Steele, Storrs, Taylor, Trawick, Troup, Walker, Williams of J. and Winston.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed bills of the following titles:

An act for the relief of Robert B. Fenner and Thomas B. Jones, for labor done and performed under Executive appointment:

An act to authorize sales by executors and administrators in certain cases:

An act to reduce the salary of the President and Directors and other officers of the Bank of the State of Alabama and its several Branches, and for other purposes:

An act in relation to working on public roads:

An act to change the mode of paying jailers for the support of insolvent prisoners in the several counties of this State, and for other purposes:

An act prescribing the mode of incorporating towns, villages and academies in this State:

An act to confer certain privileges upon an association therein named, as an inducement to navigate the Cahawba river with steam power:

And an act in relation to the rescision of a certain contract of purchase of a part of the sixteenth section, township eleven, range six, in the county of Wilcox; in which the concurrence of the House is requested.

The hour of twelve having arrived, the House proceeded to the consideration of the special order, it being the bill to reduce the number of Directors and officers of the several Branch Banks of the State of Alabama, the question pending on Mr. Martin's motion to strike out the word "five."

Mr. Humphreys moved to suspend the further consideration of the bill, in order that the House might take up a bill from the Senate, in relation to the same subject; which was carried.

The bill from the Senate, to reduce the salary of the President and Directors and other officers of the Bank of the State of Alabama and its several Branches, was read the first and second times forthwith, and referred to the committee on the State Bank and Branches.

Mr. Hubbard moved that the House do now resume the consideration of the bill which was suspended, to take up the bill from the Senate; which was lost.

The House then proceeded to the consideration of the bill to regulate conjugal rights, as they regard property, it being the next special order.

Mr. Frazier moved to lay the bill on the table.

Mr. Davis of L. moved to postpone the consideration of the bill until the twelfth day of January next, at six o'clock, P. M.

Mr. Speaker decided that the motion was equivalent to a motion for indefinite postponement; from which an appeal was taken, and the Chair sustained.

And the House adjourned.

AFTERNOON SESSION, JANUARY 2d, 1844.

The House met and resumed the consideration of the bill to regulate conjugal rights, as they regard property.

The question was taken on Mr. Frazier's motion to lay on the table, and lost—yeas 28—nays 62.

YEAS—messrs. Allridge, Alexander, Allen, Banks, Barron, Cobb, Davis of L., Douglass, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Hefflin, Hendrix, Hill of T., Holstein, R. T. Johnston, Lankford, McMillion of B., Mitchell, Owen, Reid, Spruill, Storrs, Troup, and Williams of J.

NAYS—messrs. Speaker, Alston, Anderson, Bugbee, Bridges, Bryan, Caffey, Calloway, Campbell, Clancey, Clarke, Clemens, Cook, Davis of B., Dear, Drane, Dunn, Evans, Hale, Harris, Hill of B., Howard, Hubbard, Humphreys, Jackson of A., Jackson of B., Jones of F., Lang, McAlpin, McCartney, McGriff, McLemore, McLeod, McMillion of J., Meriwether, Miree, Moore of B., Moore of M., Morris, Morrisett, Mudd, Nall, Norman, Oliver, Portis, Rose, Sandidge, Scruggs, Segar, Snowden, Steele, Stringer, Sykes, Tate, Taylor, Todd, Turner, Walker, Webb, Whitsitt, Winston, and Witherspoon.

Mr. Anderson moved to amend as follows—amend the first section by adding:

“Provided, That no married woman shall have the right to sell, convey, mortgage, or transfer her said property, except by the consent of her husband, first had and obtained, evidenced by his joining in such sale, conveyance, mortgage, or transfer, acknowledged before some proper officer of the law, and duly certified by him, and recorded as is now required by law in the case of sales and conveyances of real estate.”

That the beginning of the fourth section be so amended, as to read:

“That in all cases in which debts may be contracted for articles necessary and proper for the support and maintenance of the family of any married woman and her separate estate, it shall be lawful, &c. &c.”

That the last proviso, in the fourth section, be stricken out.

That the sixth section be so amended, as to read “upon his entering

into bond with good and sufficient security before the Judge of the county court of the county.

In the sixth section, eighth line, strike out the words "his natural life," and insert in lieu thereof, "the minority of the male children, and until the marriage of the females; and each child's portion shall be delivered to each of the males as they become of age, and to each of the females as they are married."

The amendments were severally adopted.

And the House adjourned.

JANUARY 3, 1844.

The House met pursuant to adjournment.

Mr. Jackson of A. introduced a bill to authorize the commissioners of the sixteenth section, in township seventeen, range seventeen, to employ a Teacher.

Mr. Jackson of A. introduced a bill in relation to the collection of bonds therein specified.

Mr. Jackson of B. introduced a bill to incorporate the Alabama military and scientific institute, in the town of Eufaula:

Which were severally read the first time, and ordered to a second reading.

Mr. Jackson of B. introduced a bill to incorporate the Trustees of the Female Academy, in the town of Eufaula; which was read the first time, and ordered to a second reading.

Mr. Jackson of B. presented the petition for the relief of Solomon Cook; which was referred to the committee on the sixteenth section fund.

Mr. Jackson of B. presented a petition from sundry citizens of Barbour county, in relation to an election precinct; which was referred to the committee on privileges and elections.

Mr. Aldridge presented a petition from Jonathan Lane and others; which was referred to the delegations from Walker and Blount.

Mr. McLemore presented a petition for the relief of Stephen P. Gammel; which was referred to the committee on propositions and grievances.

Mr. Hendrix introduced a bill to repeal the first and second sections of the fourteenth chapter of the penal code.

Mr. Morris introduced a bill to repeal in part an act regulating the drawing of Jurors in the county of Fayette:

Mr. Morris also introduced a bill for the relief of Mary E. Montgomery:

Which were severally read the first time, and ordered to a second reading.

Mr. Jones of F. introduced a bill to authorize Nelson H. White, and Richard Burrus, to turnpike a certain road therein named; which was read the first and second times forthwith, and ordered to be engrossed for a third reading.

Mr. Cook introduced a bill to authorize M. A. Price to turnpike a certain road therein named.

Mr. Cook also introduced a bill to provide means for educating the indigent children of this State:

Which were severally read the first time, and ordered to a second reading.

Mr. Cook introduced a bill to allow debtors to the State Bank and Branches to pay in the State Bonds; which was read the first time.

Mr. Moore of N. moved to lay the bill on the table; which was carried—yeas 68, nays 12.

YEAS—Messrs. Aldridge, Alexander, Alston, Anderson, Banks, Barron, Bugbee, Bryan, Calloway, Campbell, Clancey, Clarke, Cobb, Davis of L. Douglass, Drane, Dunn, Franks, Garrett, Hale, Hancock, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McAlpin, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Moore of B. Moore of M. Morris, Mudd, Nall, Oliver, Owens, Portis, Reid, Sandidge, Scruggs, Segar, Snowden, Spruill, Steele, Sykes, Taylor, Trawick, Troup, Walker, Webb, Whitsitt, Williams of J. and Witherpoon.

NAYS—Messrs. Allen, Caffey, Clemens, Cook, Fletcher, Frazier, Griffin, Harris, Morrisett, Rose, Storrs and Williams of Henry.

Mr. Webb introduced a petition from the Bar of Greene county, in relation to the Chancery courts; which was referred to the committee on the judiciary.

Mr. Williams of H. introduced a bill to change the name of a certain person therein named; which was read the first time, and ordered to a second reading.

Mr. Oliver presented the petition of Mrs. Elizabeth Felder; which was referred to the committee on the judiciary.

Mr. Calloway introduced a bill to change the time of holding the county court of Coffee county.

Mr. Calloway also introduced a bill to amend an act in relation to retailers in the county of Coffee.

Mr. Todd introduced a bill to incorporate the Mobile racing association; which were severally read the first time, and ordered to a second reading.

Mr. McAlpin presented a petition for the relief of Granville, a man of color; which was referred to the committee on propositions and grievances.

Mr. Dunn introduced a bill to consolidate the several acts of incorporation of the city of Mobile, and to alter and amend the same; which was read the first and second times forthwith, and referred to the delegation from Mobile.

Mr. Morrisett introduced a bill for the relief of Anne Chambers; which was read the first and second times forthwith, and referred to the committee on the judiciary.

Mr. Spruill presented a petition in relation to the act incorporating the town of Vienna, in Pickens county; which was referred to the committee on propositions and grievances.

Mr. Spruill introduced a bill regulating the compensation of executors and administrators; which was read the first time, and ordered to a second reading.

Mr. Segar introduced a bill to authorize the levy of a special tax for building a court house in the county of Russell; which was read the first, second and third times forthwith, and passed.

Mr. Turner presented the account of S. S. Houston: which was referred to the committee on accounts.

Mr. Dear presented the petition of Polly Rosser; which was referred to the committee on the judiciary.

Mr. McMillion of J. from the committee, to which was referred a bill to authorize Joseph Maharry to erect toll gates across a certain road therein named, reported the same to the House, and recommended its passage.

The bill was read the third time forthwith, and passed.

Mr. Dear, from the committee, to whom was referred the petition to authorize Elias Persinger and his associates to construct a wharf on the Black Warrior river, opposite the town of North Port, reported a bill in accordance with the prayer of the petitioners; which was read a first time, and ordered to a second reading.

Mr. Dear, from the committee, to which was referred the petition of J. D. Leslie and others, praying the passage of a law for the relief of Joseph Guynes, reported that the exclusive privilege asked for cannot be granted under our constitution, except in consideration of public services. The report was concurred in.

Mr. Dear, from the committee to which was referred the petition of James D. Blue and other citizens of Baldwin county, praying the passage of a law allowing William T. Powell, of aboriginal blood, all the privileges and immunities of white citizens; and also asking the Legislature to propose a change of the constitution of this State, so as to authorize others in similar situations to exercise the right of suffrage, reported that a passage of a law in conformity with the prayer of the petitioner would be in violation of the constitution, and that it would be inexpedient to submit the proposed change of the constitution to the people of the State.

Mr. Moore of B. moved to lay the report on the table; which was lost—yeas 13, nays 69.

YEAS—Messrs. Clemens, Lang, Martin, McAlpin, Moore of B. Moore of M. Seruggs, Snowden, Taylor, Todd, Trawick, Troup and Williams of H.

NAYS—Messrs. Aldridge, Alexander, Allen, Alston, Banks, Barron, Bryan, Caffey, Calloway, Campbell, Clancey, Clarke, Cobb, Cook, Davis of B. Davis of L. Douglass, Drane, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Heflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McCarty, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Morris, Morrisett, Mudd, Oliver, Owens, Reid, Rose, Sandidge, Segar, Spruill, Steele, Stringer, Storrs, Tate, Walker, Webb, Whitsitt, Williams of J. Winston and Witherspoon.

The report was concurred in.

On motion of Mr. Hubbard,

Resolved, That this house will, on to-morrow at twelve o'clock, M. take up the bill from the committee on ways and means, entitled an act to provide for raising a revenue for the support of the State Government, and maintenance of the public faith of the State, and the same be made the special order of the day at twelve o'clock each day until disposed of by the House.

Mr. Martin, from the select committee, to which was referred a bill to provide for the assessment and collection of taxes, reported the same to the House, and recommended its passage.

On motion of Mr. Hubbard, the consideration of the bill was postponed until to-morrow at twelve o'clock.

Mr. Segar, from the select committee, to which was referred the petition to rescind the contract of purchase for a part of the sixteenth section, township sixteen, range twenty-eight, in Russell county, reported a bill in accordance with the prayer of the petitioners; which was read a first time, and ordered to a second reading.

Mr. Allen, from the committee to which was referred a petition in relation to the pay of tales jurors, reported a bill to regulate the pay of tales jurors in the county of Benton; which was read the first and second times forthwith, and ordered to be engrossed for a third reading.

Mr. Alexander, from the select committee, to which was referred the petition of sundry citizens of Lauderdale county, reported that it was inexpedient to legislate on the subject.

The report was laid on the table.

Mr. Hale, from the select committee, to which was referred the petition of sundry citizens of township twenty-two, range one, west, in Greene county, reported a bill to authorize the rescission of a certain contract therein named; which was read the first time, and ordered to a second reading.

Mr. Clemens, from the committee on the sixteenth section fund, to which was referred a bill for the relief of James Burrus, reported that it is inexpedient to pass the bill.

On motion of Mr. Rose,

Resolved, That the Senate be now invited into the Hall of the House, for the purpose of electing a Warden of the Penitentiary, Comptroller of Public Accounts, State Treasurer, and a Trustee for the sixth judicial circuit.

Mr. Hubbard offered the following resolution:

Resolved, That with the concurrence of the Senate, the two houses will assemble in the Hall of the House on Thursday, the fourth inst. at twelve o'clock, M. for the purpose of electing an Adjutant and Inspector General, and a Quarter Master General for the State of Alabama.

Mr. Banks moved to lay the resolution on the table; which was lost.

The Senate forthwith repaired to the hall of the House, were seated, and Mr. President announced the object of the assembling of the two houses.

The two Houses then proceeded to the election of a Warden of the Penitentiary:

The names of *William Hogan, David E. Strong, Achilles Bradley, Joseph Arrington and William McKay*, being in nomination.

Those who voted for *Mr. Hogan*, are messrs. Creagh, Dent, Foster, Hardaway, King, McAlpin, Moores, Oliver, Phillips, Ross, Walthall, Watrous and Watkin of the Senate; and messrs. Anderson, Banks, Barron, Bugbee, Cobb, Davis of B. Dear, Drane, Dunn, Garrett, Hale, Hill of T. Howard, Jackson of B., J. D. Johnson, R. T. Johnston, McAlpin, Mitchell, Morrisett, Mudd, Nall, Oliver, Owens, Rose, Segar, Snowden, Spruill, Storrs and Williams of H. of the House—42.

Those who voted for *Mr. Strong*, are messrs. Bishop, Reese, Walker of B. Ward and Yancey of the Senate, and messrs. Allen, Bryan, Caffey, Clarke, Harris, Hefflin, Holstein, Jackson of A. Lankford, Martin, McGriff, McLemore, McLeod, Reid, Stringer, and Winston of the House—12.

Those who voted for *Mr. Bradley*, are messrs. President, Burney, Hudson, McClanahan, Toulmin, Walker of L. and Wilson of the Senate; and messrs. Speaker, Alexander, Campbell, Clancey, Davis of L. Douglass, Hill of B. Hubbard, Humphreys, Jones of F. McCarty, McMillion of B. Meriwether, Miree, Moore of B. Steele, Tate, Taylor, Troup and Williams of J. of the House—27.

Those who voted for *Mr. Arrington*, are messrs. Arrington, and Winston of the senate, and messrs. Alston, Baldwin, Huntington, Portis, Scruggs, Todd, Trawick, Turner, Webb, Whitsitt, and Witherspoon of the house—14.

Those who voted for *Mr. McKay*, are messrs. Brindley, Fleming, Kelly, Marchbanks and McVay of the senate; and messrs. Aldridge, Calloway, Clemens, Cook, Evans, Fletcher, Franks, Frazier, Griffin, Hancock, McMillion of J. Moore of mad. Morris, Sandidge, and Walker of the house—20.

Neither having received a majority of all the votes given, the two houses proceeded to ballot a second time.

Those who voted for *Mr. Arrington*, are messrs. Arrington and Winston of the Senate; and messrs. Alston, Baldwin, Huntington, Lang, Portis, Scruggs, Todd, Trawick, Turner, Webb, and Whitsitt of the house—14.

Those who voted for *Mr. Bradley*, are messrs. President, Brindley, Burney, Hudson, McClanahan, Toulmin, Walker of L. and Wilson of the senate; and messrs. Speaker, Aldridge, Alexander, Clancey, Davis of L. Douglass, Frazier, Hubbard, Humphreys, Jones of F. McMillion of B. Meriwether, Miree, Moore of B. Moore of M. Morris, Steele, Tate, Taylor, Troup and Williams of J. of the house—29.

Those who voted for *Mr. Hogan*, are messrs. Creagh, Dent, Foster, Hardaway, King, McAlpin, Moores, Oliver, Ross, Walthall, Watkins and Watrous of the senate; and messrs. Anderson, Banks, Barron, Bugbee, Cobb, Davis of B. Dear, Drane, Dunn, Garrett, Hale, Hill of B. Hill of T. Howard, Jackson of B., J. D. Johnson, R. T. Johnston, McAl-

pin, Mitchell, Morrisett, Mudd, Nall, Oliver, Owens, Rose, Sandidge, Segar, Snowden, Spruill, Storrs, Williams of H. and Witherspoon of the house—45.

Those who voted for *Mr. McKay*, are messrs. Fleming, Kelly, Marchbanks and McVay of the senate; and messrs. Calloway, Campbell, Clemens, Cook, Evans, Fletcher, Franks, Griffin, Hancock, McCarty, McMillion of J. Sykes and Walker of the house—17.

Those who voted for *Mr. Strong*, are messrs Bishop, Reese, Walker of B. Ward and Yancey of the senate; and messrs Allen, Bryan, Caffey, Clarke, Harris, Hefflin, Holstein, Jackson of A. Lankford, Martin, McGriff, McLeod, McLemore, Reid, Stringer and Winston of the house—21.

Neither having received a majority of the votes given, the two houses proceeded to ballot a third time:

Those who voted for *Mr. Arrington*, are messrs Arrington, and Winston of the senate; and messrs Alston, Baldwin, Huntington, Lang, Portis, Scruggs, Todd, Trawick, Turner and Whitsitt of the house—12.

Those who voted for *Mr. Bradley*, are messrs. President, Brindley, Hudson, McClanahan, Toulmin and Wilson of the Senate; and messrs. Speaker, Aldridge, Alexander, Clancey, Davis of L. Douglass, Frazier, Hancock, Hubbard, Jones of F. McMillion of B. Miree, Moore of B. Moore of M. Morris, Reid, Steele, Tate, Taylor, Troup, and Williams of J. of the House—27.

Those who voted for *Mr. Hogan*, are messrs. Creagh, Dent, Foster, Hardaway, Kelly, King, McAlpin, Moores, Oliver, Phillips, Ross, Walthall, Ward, Watkins and Watrous of the Senate; and messrs. Anderson, Banks, Barker, Bugbee, Campbell, Cobb, Davis of B. Dear, Drane, Dunn, Garrett, Hale, Hill of B. Hill of T. Howard, Jackson of B., J. D. Johnson, R. T. Johnston, McAlpin, Mitchell, Mudd, Morrisett, Nall, Oliver, Owens, Rose, Segar, Snowden, Spruill Webb, Williams of H. and Witherspoon of the House—47.

Those who voted for *Mr. McKay*, are messrs Fleming, Marchbanks, and McVay of the senate; and messrs Calloway, Clemens, Cook, Evans, Fletcher, Franks, Griffin, McCarty, McMillion of J. Sandidge, Sykes, and Walker of the house—15.

Those who voted for *Mr. Strong*, are messrs Bishop, Reese, Walker of B. and Yancey of the senate; and messrs Allen, Bryan, Caffey, Clarke, Harris, Hefflin, Hendrix, Holstein, Jackson of A. Lankford, Martin, McGriff, McLemore, McLeod, Stringer and Winston of the house—20.

Neither having received a majority of the votes given, the two houses proceeded to ballot a fourth time. The name of *Mr. Arrington* being withdrawn.

Those who voted for *Mr. Bradley*, are messrs. President, Brindley, Burney, Hudson, McClanahan, Toulmin, Walker of L. and Wilson of the Senate; and messrs. Speaker, Alexander, Clancey, Cook, Davis of L. Douglass, Frazier, Hancock, Hubbard, Humphreys, Huntington, Jones of F. Lang, McMillion of B. Meriwether, Miree, Moore of and.

Morris, Portis, Steele, Tate, Taylor, Todd, Troup, Turner, Whitsitt, and Williams of J. of the house—35.

Those who voted for *Mr. Hogan*, are messrs. Arrington, Creagh, Dent, Foster, Hardaway, Kelly, King, McAlpin, Moores, Oliver, Phillips, Ross, Walthall, Ward, Watrous and Watkins, of the senate; and messrs. Alston, Anderson, Baldwin, Banks, Barron, Bugbee, Campbell, Cobb, Davis of B. Dear, Drane, Dunn, Garrett, Hale, Hill of B. Hill of T. Howard, Jackson of B., J. D. Johnson, R. T. Johnston, McAlpin, Mitchell, Morrisett, Mudd, Nall, Oliver, Owens, Rose, Segar, Snowden, Spruill, Storrs, Trawick, Webb, Williams of H. and Witherspoon of the house—51.

Those who voted for *Mr. McKay*, are messrs. Fleming, Marchbanks, McVay and Yancey of the senate; and messrs. Aldridge, Calloway, Clemens, Fletcher, Franks, Griffin, McCarty, McMillion of J. Moore of B. Sandidge and Walker of the house—15.

Those who voted for *Mr. Strong*, are messrs Bishop, Reese, and Walker of the Senate; and messrs. Allen, Bryan, Caffey, Clarke, Harris, Hefflin, Hendrix, Holstein, Jackson of A. Lankford, Martin, McGriff, McLemore, McLeod, Reid, Stringer and Winston of the house—20.

Neither having received a majority of the votes given, the two houses proceeded to ballot a fifth time. The name of *Mr. McKay* having been withdrawn:

Those who voted for *Mr. Bradley*, are messrs President, Brindley, Burney, Fleming, Hudson, Marchbanks, McClanahan, McVay, Toulmin, Walker of L. Winston and Yancey of the Senate; and messrs. Speaker, Aldridge, Alexander, Clancey, Cook, Davis of L. Douglass, Fletcher, Franks, Frazier, Griffin, Hancock, Hubbard, Humphreys, Huntington, Jones of F. McMillion of B. Meriwether, Miree, Moore of B. Moore of mad. Morris, Portis, Sandidge, Steele, Sykes, Tate, Taylor, Todd, Troup, Turner, Walker, Whitsitt, and Williams of J. of the House—46.

Those who voted for *Mr. Hogan*, are messrs. Arrington, Creagh, Dent, Hardaway, Kelly, King, McAlpin, Moores, Phillips, Ross, Walthall, Ward, Watkins and Watrous of the Senate; and messrs. Alston, Anderson, Baldwin, Banks, Barron, Bugbee, Bryan, Campbell, Cobb, Davis of B. Dear, Drane, Dunn, Garrett, Hale, Hill of B., Hill of T. Howard, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, McAlpin, McCarty, McMillion of J. Mitchell, Morrisett, Mudd, Nall, Oliver, Owens, Rose, Segar, Snowden, Spruill, Storrs, Trawick, Webb, Williams of H. and Witherspoon of the house—54.

Those who voted for *Mr. Strong*, are messrs Bishop, Reese and Walker of B. of the senate; and messrs Allen, Caffey, Calloway, Clarke, Clemens, Harris, Hefflin, Hendrix, Holstein, Lang, Lankford, Martin, McGriff, McLemore, McLeod, Reid, Stringer and Winston of the house—21.

Neither having received a majority of the votes given, and the name of *Mr. Strong* being withdrawn, the two houses proceeded to ballot a sixth time.

Those who voted for *Mr. Bradley*, are messrs. President, Bishop, Brindley, Burney, Fleming, Hudson, Marchbanks, McClanahan, McVay, Toulmin, Walker of L. Wilson and Yancey of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Caffey, Calloway, Clancey, Clarke, Clemens, Cook, Davis of L. Douglass, Evans, Fletcher, Franks, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Holstein, Hubbard, Humphreys, Huntington, Jones of F. Lang, Lankford, Martin, McCarty, McGriff, McLeod, McMillion of B. Meriwether, Miree, Moore of B. Moore of mad. Morris, Portis, Reid, Sandidge, Steele, Stringer, Sykes, Tate, Taylor, Todd, Troup, Turner, Walker, Whitsitt, Williams of J. and Winston of the house—66.

Those who voted for *Mr. Hogan*, are messrs. Arrington, Creagh, Dent, Foster, Hardaway, Kelly, King, McAlpin, Moores, Oliver, Phillips, Reese, Ross, Walthall, Ward, Watkins, Watrous and Winston of the senate; and messrs. Alston, Anderson, Baldwin, Banks, Barron, Bugbee, Bryan, Campbell, Cobb, Davis of B. Dear, Drane, Dunn, Garrett, Hale, Hill of B. Hill of T. Howard, Jackson of A. Jackson of B. J. D. Johnson, R. T. Johnston, McAlpin, McLemore, McMillion of J. Mitchell, Morrisett, Mudd, Nall, Oliver, Owens, Rose, Scruggs, Segar, Snowden, Spruill, Storrs, Trawick, Webb, Williams of H. and Witherspoon of the house—59.

Mr. Bradley having received a majority of the votes given, was declared by Mr. Speaker, duly elected Warden of the State Penitentiary, for the term prescribed by law.

The two houses then proceeded to the election of a Comptroller of Public Accounts.

The name of *J. C. Van Dyke* alone being in nomination.

Mr. Van Dyke having received one hundred and eleven votes, that being the whole number given, Mr. Speaker declared him duly and constitutionally elected Comptroller of Public Accounts for the term prescribed by the constitution.

The two houses next proceeded to the election of a State Treasurer.

The names of *Baylor B. Barker* and *Samuel G. Frierson*, being in nomination.

Those who voted for *Mr. Barker*, are messrs. Arrington, Burney, Fleming, Hardaway, Phillips and Walker of L. of the Senate; and messrs. Alston, Anderson, Baldwin, Campbell, Clemens, Cook, Davis of B. Dunn, Evans, Hale, Jones of F. McLemore, Moore of mad. Mudd, Nall, Oliver, Owens, Scruggs, Snowden, Storrs, Turner, Walker, and Williams of H. of the house—29.

Those who voted for *Mr. Frierson*, are messrs. President, Bishop, Brindley, Creagh, Dent, Foster, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, Moores, Reese, Ross, Toulmin, Walker of B. Walthall, Ward, Wilson and Winston of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Banks, Banks, Barron, Caffey, Calloway, Clancey, Clarke, Cobb, Davis of L. Dear, Douglass, Drane, Fletcher, Franks, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jackson of B., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McAlpin, McCarty,

McGriff, McLeod, McMillion of A. McMillion of J. Meriwether, Miree, Mitchell, Moore of A. Morris, Morrisett, Portis, Reid, Sandidge, Segar, Spruill, Steele, Stringer, Sykes, Taylor, Todd, Troup, Webb, Whitsitt, Williams of J. Winston and Witherspoon of the house—63.

Mr. Frierson, having received a majority of all the votes given, Mr. Speaker declared him duly and constitutionally elected Treasurer of the State of Alabama for the term prescribed by the constitution.

The two houses next proceeded to elect a Trustee of the University for the Sixth Judicial Circuit.

The name of *John B. Hogan*, alone being in nomination, and he having received ninety-two votes, that being the whole number given, Mr. Speaker declared him duly and constitutionally elected Trustee of the University for the Sixth Judicial Circuit, for the term prescribed by law.

The Senate withdrew, and the House adjourned.

AFTERNOON SESSION, January 3d, 1844.

The House met and resumed the consideration of the resolution offered by Mr. Hubbard.

Mr. Banks moved to amend the resolution by striking out "Thursday," and inserting "Saturday next, at half past six o'clock;" which was lost.

Mr. Hendrix moved to strike out "Thursday," and insert "Friday next, at half past six o'clock, P. M.;" which was carried.

The resolution was amended on motion of Mr. Morrisett, by adding, "also, a Judge of the county court of Monroe county;" and the resolution as amended, adopted.

The House proceeded to the consideration of the bill to regulate conjugal rights as they regard property.

Mr. Rose moved to amend as follows: strike out the fifth section, and insert:

"That any transfer, sale, conveyance, mortgage, deed, interest or judgment confessed by the husband in favor of the wife, or by the wife in favor of the husband, shall be utterly null and void; which was adopted.

Mr. Norman moved to strike out the proviso in the fourth section; which was carried.

Mr. Bugbee moved to amend as follows:

Sec. 7. *Be it further enacted*, That the husband shall not be bound to pay the ante-nuptial debts, contracts or liabilities of the wife, but her property in possession and action at the time of the marriage, subsequently acquired or inherited by her, shall be liable; which was adopted.

Mr. Humphreys moved to amend as follows:

Strike out all after the word "husband," and insert "every married woman shall be entitled to all the civil rights as fully after coverture, as before that any single woman may have."

Mr. Martin moved to lay the amendment on the table; which was carried.

Mr. Davis of L. moved to amend as follows:

Provided, That this act shall not take effect until the first day of January next.

Mr. Martin moved the previous question; which was sustained—yeas 70, nays 13:

YEAS—messrs. Speaker, Aldridge, Allen, Alston, Anderson, Bugbee, Bryan, Caffey, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Cook, Dear, Douglass, Drane, Dunn, Evans, Fletcher, Franks, Griffin, Hancock, Harris, Hill of B. Hill of T. Holstein, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Martin, McAlpin, McCartey, McLeod, McMillion of B. Meriwether, Mitchell, Moore of B. Moore of M. Morris, Mudd, Nall, Oliver, Owens, Portis, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Steele, Stringer, Sykes, Tate, Taylor, Todd, Turner, Walker, Webb, Whitsitt, Williams of H. Williams of J. and Witherspoon.

NAYS—messrs. Banks, Barron, Davis of L. Frazier, Hefflin, Hendrix, Hubbard, Humphreys, Lankford, McMillion of J. Miree, Morrissett, Norman, Spruill, and Troup.

The main question, shall this bill be ordered to be engrossed for a third reading? was decided in the negative—yeas 41, nays 51:

YEAS—messrs. Alston, Anderson, Bugbee, Bryan, Caffey, Calloway, Campbell, Clancey, Clemens, Cook, Davis of B. Dear, Drane, Evans, Hill of B. Holstein, Jackson of A. Lang, Martin, McCartey, McLeomore, McLeod, Moore of B. Nall, Norman, Oliver, Rose, Scruggs, Segar, Steele, Stringer, Sykes, Taylor, Todd, Trawick, Turner, Walker, Webb, Williams of H. and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen, Banks, Barron, Clarke, Cobb, Davis of L. Douglass, Dunn, Fletcher, Franks, Frazier, Griffin, Hale, Hancock, Harris, Hefflin, Hendrix, Hill of T. Howard, Hubbard, Humphreys, Huntington, Jackson of B., Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McAlpin, McMillion of B. McMillion of J. Meriwether. Miree, Mitchell, Moore of M. Morris, Mudd, Owens, Portis, Reid, Sandidge, Snowden, Spruill, Tate, Troup, Whitsitt, Williams of J. and Winston.

Mr. Mudd moved to reconsider the vote just taken.

Mr. Cook moved that the House do now adjourn; which was carried—yeas 45, nays 44:

YEAS—messrs. Speaker, Alexander, Allen, Alston, Anderson, Bugbee, Bryan, Campbell, Clancey, Clemens, Cobb, Cook, Davis of B. Dear, Douglass, Drane, Evans, Fletcher, Franks, Harris, Hill of B. Holstein, Jackson of A., Jackson of B. Jones of F., J. D. Johnson, Lang, Martin, McAlpin, McCartey, McLeod, Miree, Nall, Norman, Oliver, Owens, Reid, Sandidge, Steele, Stringer, Sykes, Turner, Walker, Webb and Witherspoon.

NAYS—messrs. Aldridge, Banks, Barron, Caffey, Calloway, Clarke, Davis of L. Dunn, Frazier, Griffin, Hale, Hancock, Hefflin, Hendrix, Hill of T. Howard, Hubbard, Humphreys, Huntington, R. T. John-

ston, Lankford, McLemore, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of B. Moore of M. Morris, Mudd, Portis, Rose, Scruggs, Segar, Snowden, Spruill, Taylor, Todd, Trawick, Troup, Whitsitt, Williams of H. Williams of J. and Winston.

JANUARY 4th, 1844.

The House met pursuant to adjournment.

Mr. Winston moved to suspend the call of the counties; which was lost.

Mr. Dear introduced a bill to authorize William Spear to erect a toll bridge across the Conecuh river; which was read first, second and third times forthwith, and passed.

Mr. Winston presented a petition from J. Hendrix, and others, to rescind a sixteenth section contract; referred to the committee on the sixteenth section fund.

Mr. Morris introduced a bill to change the time of holding regimental musters in the county of Fayette; which was read the first time and ordered to a second reading.

Mr. Norman introduced a bill to confer certain powers and privileges therein contained; which was read a first time and ordered to a second reading.

Mr. Norman introduced a bill to adopt Clay's Digest; read first and second times, and referred to the committee on the judiciary.

Mr. Webb presented a petition; which was referred to the judiciary committee.

Mr. Frazier introduced a bill to establish by law, muster day in the ninth division. Alabama Militia, and for other purposes; which was read the first time and ordered to a second reading.

Mr. Douglass presented a petition from Charles Gookin and others.

Mr. Douglass also presented a petition from J. M. Davis, and others; which were severally referred to the committee on the judiciary.

Mr. Dunn introduced a bill to amend an act entitled an act for the government of the port and harbour of Mobile; which was read a first time and ordered to a second reading.

Mr. Morrisett introduced a bill to regulate fees of the Judges of the county court of Monroe county; which was read the first, second, and third times forthwith, and passed.

Mr. Caffey introduced a bill to vest in Charlotte Marlin, wife of J. H. Marlin, certain rights and privileges therein named; which was read the first time and ordered to a second reading.

Mr. Stringer introduced joint resolutions in regard to a portion of the sixteenth section, township twelve, range twenty-three, in the county of Pike; which was read the first time and ordered to a second reading.

Mr. Hefflin presented a petition for the relief of Drury S. Allen; which was referred to the committee on propositions and grievances.

Mr. Hefflin introduced a bill for the relief of Drury S. Allen; which was read the first time and ordered to a second reading.

Mr. Storrs introduced a bill for the relief of Hudson W. Neilson, tax collector of Shelby county; which was read the first time and ordered to a second reading.

Mr. Clarke introduced a bill to extend the provisions of an act therein named, to suits pending before Justices of the Peace; which was read the first time and ordered to a second reading.

Mr. Clarke introduced a bill for the relief of Joseph Allen and Geo. W. Wells, of Cherokee county; which was read the first time and ordered to a second reading.

Mr. Huntington introduced a bill to incorporate the trustees of the Bishop's fund of the Protestant Episcopal Church in the diocese of Alabama; which was read the first time and ordered to a second reading.

Mr. Mitchell introduced a bill to equalize and enforce the collection of debts due and running to maturity in the Bank of the State of Alabama and its several Branches; which was read the first time and ordered to a second reading.

Mr. Dear introduced a bill to authorize Jacob C. Jordan to remove the property of his infant daughter from the county of Marengo in this State, to the State of Kentucky; which was read the first time and ordered to a second reading.

Mr. Barron introduced the following resolution:

Resolved, That the rule requiring this House to adjourn at one o'clock, be so amended as to require an adjournment at half past one.

Which lies over one day.

Mr. Spruill offered the following resolution:

Resolved, That when this House adjourns at five o'clock, P. M., it shall adjourn to meet at half past six o'clock each night, to hold night sessions, and that the sessions shall be devoted exclusively to local business.

Which lies over one day.

Mr. Scruggs offered the following resolution:

Resolved, That no member of this House shall hereafter speak more than a half an hour at any one time on any subject.

Which lies over one day.

Mr. Baldwin moved to suspend the call for reports, to take up the general orders of the day.

The motion was carried.

The bill from the Senate, to be entitled an act concerning the circuit courts of Dallas county, was read a second time and ordered to a third reading.

A bill to abolish a certain election precinct therein named, and to establish one in lieu thereof, in the county of Covington, was read a second time, and referred to the committee on privileges and elections.

A bill to reduce the pay of witnesses, and for other purposes, was read a second time and referred to the committee on the judiciary.

A bill to change the time of holding the commissioners' court of roads and revenue, for the county of Madison, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to incorporate the Greensboro' Cavalry Company, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to incorporate La Fayette, in the county of Chambers, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to repeal in part the law regulating circuit courts of this State, was read the second time, and referred to the committee on the judiciary.

A bill to regulate the change of venue in civil suits, was read the second time and referred to the committee on the judiciary.

A bill in relation to the fees of certain officers in Baldwin county, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to legalize a sale of lots in the town of Columbia, in Henry county, and for other purposes, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to repeal in part an act exempting certain persons from working on the roads, was read a second time, and Mr. Campbell moved to strike out De Kalb; which was lost.

Mr. Aldridge moved to add Blount, Cherokee, and St. Clair; which was adopted, and the bill was ordered to be engrossed for a third reading on to-morrow.

A bill to provide a summary remedy to obtain possession of real estate sold by sheriffs in certain cases, was read a second time;

Mr. Dunn moved to lay the bill on the table; which motion was carried.

A bill authorizing the investment of the two per cent. fund, was read a second time;

Mr. Huntington moved to refer the bill to the committee on ways and means.

Mr. Hubbard moved to lay the bill on the table; which was carried.

A bill to authorize persons to bail their slaves when charged with criminal offences, was read a second time and laid on the table.

A bill to abolish certain precincts therein named and establish others in lieu thereof, was read a second time and referred to the committee on privileges and elections.

A bill to authorize a portion of the citizens of Henry county to form a beat or volunteer company, with a less number than forty privates, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill the more particularly to define the county lines between Henry and Barbour counties, was read a second time and referred to the delegation from Henry and Barbour.

A bill to incorporate a Planters' and Mercantile Company at Prairie Bluff, in the county of Wilcox, was read the second time and referred to the committee on the judiciary.

A bill concerning administrators and executors, was read the second time.

Mr. Humphreys moved to lay the bill on the table; the motion was lost.

The bill was then referred to the committee on the judiciary.

A bill to repeal an act entitled an act to alter and amend the road laws, as to the county of Marion, was read a second time and ordered to a third reading.

A bill to declare and extend the remedy by supersedeas, was read a second time and referred to the committee on the judiciary.

The bill relating to judicial proceedings, was read a second time and referred to the judiciary committee.

The bill incorporating the town of Clayton, in Barbour county, was read a second time and ordered to be engrossed for a third reading.

The bill to declare the Patsaliga river a public highway, was read a second time and ordered to a third reading.

The bill the better to secure the navigation on the Alabama and Tombigbee rivers, was read a second time, and Mr. Morrisett moved to amend by striking out "immediately on the margin," and inserting "on the slope or brow of the bank of said river;" which was carried.

Mr. Evans moved to strike out "Alabama;" which was carried.

Mr. Turner moved to strike out "Tombigbee."

The bill was then referred to the committee on internal improvement.

The joint resolutions for the relief of Isaac Swan, tax collector of Sumter county, was read a second time and ordered to be engrossed for a third reading.

The bill to prevent sheriffs and other officers from buying county claims, was read the second time, and postponed indefinitely.

The bill to regulate the advertisements of sheriffs and coroners, and to prevent a sacrifice of property was read the second time.

Mr. Spruill moved to lay the bill on the table.

The hour of twelve having arrived, the House proceeded to the consideration of the bill to raise a revenue for the support of the State government, and to maintain the faith and credit of the State of Alabama.

Mr. Spruill moved to amend, as follows:

That all lands in this State liable to taxation, shall be divided into six classes—lands of the first quality, shall be valued at sixteen dollars per acre; of the second quality, at twelve dollars; of the third, at eight dollars; of the fourth, at five dollars; fifth quality, at two dollars and fifty cents; and the sixth quality, at one dollar per acre; and the owner or person giving in the same shall state on oath, to which he or she believes his or her land belongs; and all lands shall be returned and the taxes thereon paid to the assessor or collector as the case may be of the county wherein the same may lie.

Sec. 2. *And be it further enacted,* That when by reason of the proximity of any lands to any city or town the same shall be of greater value thereof, to be ascertained by the oath of the person giving in the same; and whenever such lands shall not be given in for taxation, or if the assessor shall believe the same has not been valued sufficiently high, he shall proceed to have the same valued, as prescribed by the existing law.

Sec. 3. *And be it further enacted,* That there shall be levied and collected upon all lands subject to taxation in this State, fifteen cents upon every hundred dollars value thereof, to be ascertained as aforesaid; upon all lots or buildings, in any city or corporate town, fifteen cents upon every hundred dollars value thereof, to be ascertained by the person giving in the same on oath; and if the owner of such lots or buildings shall fail or refuse to give in the same, then it shall be the duty of the assessor, to proceed to ascertain the value of the same, as prescribed in the second section of this act in relation to lands.

Sec. 4. *And be it further enacted,* That upon all goods sold at auction, or by any auctioneer, upon which he receives commissions, except such goods as shall be sold by execution, order, or decree of any of the courts of this State, or by virtue of any mortgage with powers of sale, there shall be assessed and collected one per cent upon the amount so sold whether the same be sold at public auction, or by the auctioneer at private sale.

Sec. 5. *And be it further enacted,* That all owners or keepers of warehouses, where cotton is received on storage, shall be required to pay on each bale received on storage, the half of one cent, which amount shall be given in to the assessor in the same manner, and under the same penalties as heretofore prescribed by law.

Sec. 6. *And be it further enacted,* That owners and keepers of public ferries, toll bridges or turnpike gates, shall pay thirty cents for every for every hundred dollars gross income for ferriage, toll or pikeage, by them so received, to be given in and paid in the same manner, as provided by the law now in force.

Sec. 7. *And be it further enacted,* That all practising lawyers, physicians, surgeons and dentists, shall pay one half of one per centum, upon the gross amount of their professional income; and all persons receiving a fixed annual salary from the State treasury, or from any Bank in this State, or from any mercantile house, or from the University, or any college, or any high schools in this State, shall pay one half of one per centum upon said salaries.

Sec. 8. *And be it further enacted,* That upon every hundred dollars of the income of any insurance company, incorporated by the authorities of this State, or of any insurance company residing out of this State, the agent of which transacts business in this State, the sum of one half of one per centum; and if the president or other legal officers of said insurance company, incorporated as aforesaid, or the agent of any incorporated company residing out of this State as aforesaid, shall fail or refuse to give in, the true amount of the income of said incorporated companies or agencies to the assessor or collector, as the case may be, it shall

be the duty of the assessor, as the case may be, to assess the sum of one thousand dollars upon said companies or agencies, which shall be collected and accounted for, as prescribed in the fifth section of this act now in force.

Sec. 9. *And be it further enacted*, That it shall be the duty of the State Treasurer to deposite in the Bank of the State of Alabama the whole amount that may remain in the Treasury, after defraying the necessary expenses of the State government; and the sum so deposited shall be applied to the payment of the interest on the State bonds; and it shall be the duty of the President and Directors of said Bank to add so much of their own funds to the sum deposited from the Treasury, as will be sufficient to pay the interest as aforesaid, and the said President and Directors shall apply the funds here set apart for the payment of the interest due in the year one thousand eight hundred and forty-five, upon the bonds of the State.

Sec. 10. *And be it further enacted*, That so much of an act entitled an act to raise a revenue for the support of the State government, and for other purposes, approved February thirteenth, one thousand eight hundred and forty-two, as conflicts with the provisions herein contained, be, and the same are hereby repealed; and all the provisions of said act which do not contravene the provisions of this act, be, and the same are hereby declared to be in full force and effect.

And then the House adjourned.

AFTERNOON SESSION, January 4th, 1844.

The House met and resumed the consideration of the bill to raise a revenue for the support of the State government.

Question pending on the adoption of the amendment offered by Mr. Spruill.

Mr. Webb moved to lay the amendment on the table; which was carried. Yeas 59, nays 25.

YEAS—messrs. Speaker, Aldridge, Anderson, Baldwin, Banks, Barron, Bugbee, Bridges, Bryan, Caffey, Calloway, Campbell, Clancey, Davis of L. Dunn, Evans, Frazier, Griffin, Hale, Hancock, Harris, Hendrix, Holstein, Howard, Hubbard, Humphreys, Jackson of A., Jackson of B. Jones of F. J. D. Johnson, Lang, Lankford, McAlpin, McCarty, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of M. Morris, Mudd, Norman, Oliver, Portis, Sandidge, Snowden, Stringer, Sykes, Tate, Taylor, Todd, Troup, Walker, Webb, Whitsitt, Winston and Witherspoon.

NAYS—messrs. Allen, Alston, Clarke, Cobb, Cook, Davis of B. Dear, Douglass, Drane, Fletcher, Garrett, Hefflin, Hill of T., H. T. Johnston, McGriff, Morrisett, Owens, Reid, Rose, Segar, Spruill, Steele, Storrs, Williams of H. and Williams of J.

Mr. Dunn moved to amend by striking out all of the three first sections after the enacting clause and inserting:

That there shall be levied and collected upon all property subject to

taxation in this State, and upon all real property situated in any city or town, — cents, for every hundred dollars value thereof.

Sec. 2. *And be it further enacted*, That it shall be the duty of the several assessors in each county in this State to assess the value of all lands, subject to taxation, and of all real property, situated in any city or corporate town, and in such assessment and valuation it shall be the duty of each assessor to take into consideration the improvements thereon, the location and all other causes, which may in his opinion add value to such lands, city or town property: *Provided*, That if any persons shall be of opinion that his lands, city or town property, have been valued too high, each person may appeal from the valuation or assessment of each assessor, upon giving the assessor — days notice of such appeal, to the nearest justice of the peace, and two freeholders of the neighborhood; one of whom shall be chosen by the assessor, and the other by the person appealing, who, on oath, to be administered by such justice of the peace, shall proceed to value the lands, city or town property in question, together with the improvements thereon, whose decision shall be final.

Sec. 3. *And be it further enacted*, That it shall be the duty of the Secretary of State to procure immediately after the passage of this act, maps of the several counties of this State, showing, so far as the same can be ascertained, all lands that have been sold in each county, and the year in which such sales were made; which it shall be his duty to deposit in the offices of the clerks of the county courts of the several counties, to which the several assessors shall have access; that the Comptroller be, and is hereby authorized to draw his warrant on the Treasurer in payment of all the expenses incurred in procuring the said maps upon the production of satisfactory vouchers for the same, by the Secretary of State.

Sec. 4. *Be it further enacted*, That it shall be the duty of the several assessors in each county of this State, to set down in separate columns in their assessment books, the number of acres, the range, the township, the section, or parts of sections, the value of the land, and the value of the improvements on the same, and in the assessment of city or town property, the value of each lot and of the improvements thereon, shall also be set down in separate and distinct columns.

And then the House adjourned.

JANUARY 5th, 1844.

The House met pursuant to adjournment.

Mr. Douglass moved a call of the House, and the following members answered to their names:

Messrs. Speaker, Aldridge, Alexander. Allen, Banks, Barron, Bugbee, Caffey, Calloway, Campbell, Clancey, Davis of B. Davis of L. Dear, Douglass, Drane, Fletcher, Frazier, Garrett, Griffin, Harris, Jackson of A., R. T. Johnston, Lankford, McA'pin, McLeod, McMillion of J. Meriwether, Mitchell, Moore of B. Morris, Mudd, Owens, Portis, Ball, Rose, Sa'dodge, Segar, Snowden, Steele, Stringer, Sykes, Taylor, Troup, Webb, Williams of H. Williams of J. and Winston.

Mr. Rose moved that the doorkeeper be directed to summon and compel the attendance of absent members.

The motion was carried.

Mr. Steele moved to suspend the call of counties. The motion was carried.

Mr. Steele then offered the following preamble and resolution:

Whereas, the General Assembly, at the called session of 1841, under the then existing deranged state of the currency, did pass an act for the relief and benefit of the Bank of Mobile; and, whereas, the act alluded to did materially alter the true intent and meaning of the original charter, by withdrawing that security which was originally intended to be thrown around said Bank charter; and, whereas, further, the same causes do not now exist that called for that amendment to the charter, and it is believed that the public security demands a repeal of the said amendatory act of eighteen hundred and forty-one; therefore,

Be it resolved, That the committee on the State Bank and Branches be instructed to enquire into the facts connected with this subject, and that they have leave to report by bill or otherwise.

The preamble and resolution was adopted.

Mr. Frazier, from the committee to which was referred so much of the Governor's message as relates to the pay of Adjutant and Inspector General, reported a bill to regulate the duty and compensation of the adjutant and Inspector General, and for the better organization of the militia of this State; which was read the first time, and ordered to a second reading.

Mr. Clancey offered the following resolution, which lies over one day:

Resolved, That the following shall be a rule of the House:

So soon as the Speaker calls the House to order on every morning, the roll shall be called, and the names of the absentees shall be entered on the journal.

Mr. Dear, from the committee, to which was referred the petition of Granville Walker, praying the passage of an act to emancipate him, reported that it would be inexpedient to legislate on the subject.

The report was concurred in.

Mr. Dear, from the same committee, to which was referred a petition in relation to an act incorporating the town of Vienna, in Pickens county, reported that it was inexpedient to legislate on the subject.

The report was laid on the table.

Mr. Dear, from the same committee, to which was referred the petition of W. W. Ganod, in favor of Richard S. Coffee, reported that it was inexpedient to legislate on the subject.

The report was concurred in.

Mr. Hill, from the committee on public printing, to which was referred a resolution instructing them to enquire into the expediency of so altering the law in relation to the State Printing, as to let out the same to the lowest bidder, reported a bill amendatory of the several acts in relation to the public printing; which was read the first time.

Mr. Griffin moved to suspend the rule and give the bill a second reading forthwith; which was lost—yeas 20, nays 64.

YEAS—Messrs. Bridges, Bryan, Campbell, Clarke, Cook, Davis, L. Harris, Heflin, Jackson of A. Martin, McLeod, Miree, Moore of B. Morris, Norman, Portis, Steele, Sykes, Taylor and Troup.

NAYS—Messrs. Speaker, Aldridge, Allen, Alston, Anderson, Baldwin, Banks, Barron, Bugbee, Caffey, Calloway, Clemens, Cobb, Davis of B. Dear, Douglass, Drane, Dunn, Fletcher, Garrett, Griffin, Hale, Hancock, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McAlpin, McGriff, McLemore, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of M. Morrisett, Mudd, Nall, Oliver, Owens, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Spruill, Stringer, Todd, Trawick, Turner, Walker, Webb. Whitsitt, Williams of H. Williams of J. and Witherspoon.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, Comptroller of Public Accounts, transmitting certain accounts; which were referred to the committee on accounts.

Mr. Bridges, from the committee on ways and means, to whom was referred a bill to repeal in part an act therein named, reported the same back to the House.

Mr. Morrisett moved to amend the bill, so as to include Monroe, Lauderdale, Covington, Fayette, Tallapoosa, Barbour, Talladega, Jefferson, Bibb, Franklin, Dallas, Randolph, Cherokee, Autauga, Blount, Lowndes, Greene, De Kalb, Wilcox, Mobile, Washington, Marshall, St. Clair, Dale, Coffee, Coosa and Butler.

Mr. Bridges moved to refer the bill to a select committee; which was lost.

Mr. Winston moved to lay the bill on the table; which was carried—yeas 47, nays 45.

YEAS—Messrs. Speaker, Alston, Anderson, Baldwin, Barron, Bugbee, Caffey, Calloway, Campbell, Davis of L. Dunn, Frazier, Hancock, Holstein, Humphreys, Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, McGriff, McLeod, Meriwether, Miree, Mitchell, Moore of M. Norman, Oliver, Owens, Rose, Sandidge, Scruggs, Segar, Snowden, Spruill, Stringer, Storrs, Sykes, Tate, Trawick, Troup, Walker, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon.

NAYS—Messrs. Aldridge, Alexander, Allen, Banks, Bridges, Bryan, Clancey, Clarke, Cobb, Cook, Davis of B. Dear, Douglass, Drane, Evans, Fletcher, Garrett, Griffin, Hale, Harris, Heflin, Hendrix, Hill of B. Hill of T. Howard, Hubbard, Jackson of A. Lankford, Martin, McAlpin, McMillion of B. McMillion of J. Moore of B. Morris, Morrisett, Mudd, Nall, Portis, Reid, Steele, Taylor, Todd, Turner and Webb.

Mr. Howard moved to reconsider the vote taken yesterday, on the motion to lay the amendment of Mr. Spruill to a bill to raise a revenue for the support of the State Government, on the table.

The House refused to reconsider—yeas 22, nays 64.

YEAS—Messrs. Allen, Clarke, Cobb, Davis of B. Dear, Douglas, Drane, Fletcher, Garrett, Heflin, Hill of B. Howard, J. D. Johnson, R. T. Johnston, McMillion of B. Morrisett, Reid, Segar, Spruill, Storrs, Williams of H. and Williams of J.

NAYS—messrs. Speaker, Aldridge, Alexander, Baldwin, Barron, Banks, Bugbee, Bridges, Bryan, Caffey, Calloway, Campbell, Clancey, Cook, Davis of L. Dunn, Evans, Griffin, Hale, Hancock, Harris, Hendrix, Hill of T. Holstein, Hubbard, Humphreys, Jackson of A. Jackson of B. Jones of F. Lang, Linkford, Martin, McAlpin, McGriff, McLeod, McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris, Mudd, Norman, Oliver, Owens, Portis, Rose, Sandidge, Scrugge, Snowden, Steele, Stringer, Sykes, Tate, Taylor, Todd, Trawick, Troup, Walker, Webb, Whitsitt, Winston and Witherspoon.

Mr. Barron called up the resolution offered by him yesterday, in regard to the adjournment of the House; the resolution was adopted.

The House took up the resolution offered by Mr. Spruill, in regard to night sessions.

The resolution was amended so as to require the House to sit until nine p. m. and the resolution as amended was adopted.

The hour of twelve having arrived, the House took up the bill to raise a revenue for the support of the State Government.

The question pending on the motion of Mr. Dunn to amend, after some time spent in deliberation, the House adjourned.

AFTERNOON SESSION, January 5, 1844.

House met and resumed the consideration of the bill to raise a revenue for the support of the State Government, the question still pending on the amendment offered by Mr. Dunn.

Mr. Taylor moved to lay the amendment on the table; which was carried—yeas 49, nays 38.

YEAS—messrs. Alexander, Allen, Alston, Anderson, Banks, Bridges, Caffey, Clancey, Clarke, Cobb, Davis of B. Dear, Douglass, Drane, Garrett, Hale, Harris, Heflin, Hill of B. Hill of T. Holstein, Howard, Huntington, Jackson of A., J. D. Johnson, R. T. Johnston, Martin, McLeod, Meriwether, Mitchell, Morris, Morrisett, Nall, Oliver, Owens, Portis, Reid, Rose, Sandidge, Segar, Spruill, Steele, Stringer, Taylor, Trawick, Webb, Williams of H. and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Baldwin, Bryan, Calloway, Cook, Davis of L. Dunn, Fletcher, Frazier, Griffin, Hancock, Hendrix, Hubbard, Humphreys, Jackson of B. Jones of F. Lang, Linkford, McAlpin, McCarty, McGriff, McLemore, McMillion of J. McMillion of B. Miree, Moore of M. Mudd, Norman, Scruggs, Snowden, Sykes, Tate, Todd, Troup, Walker and Whitsitt.

And the House adjourned.

NIGHT SESSION, January 5th, 1844.

The House met pursuant to adjournment.

The bill for the relief of James Burroughs from the purchase of a certain sixteenth section, in the county of Clarke, was read the second time, and ordered to be engrossed for a third reading on to-morrow.

The bill to establish a medical board in Eufaula, in the county of Bar-

bour, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

The bill to authorize the election of a justice of the peace for the town of Warrenton, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

The bill to establish an election precinct therein named, was read a second time, and referred to the committee on privileges and elections.

The bill for the relief of Stephen Cobb, tax collector of the county of Covington, was read a second time, and referred to the judiciary committee.

The bill to change the time of holding the circuit court of Perry county, was read a second time, and ordered to be engrossed for a third reading on tomorrow.

The bill to require the Clerks of the different courts of Sumter county to make and keep reversed indices to the several books of their office, was read a second time.

Mr. Martin moved to amend by adding, Benton, Lawrence, Franklin, Montgomery, Clarke, Talladega, Randolph, and Barbour; which motion was carried.

Mr. Clemens moved to amend by adding, "out of the county Treasury;" which was carried; and then the bill was ordered to be engrossed for a third reading on to-morrow.

The bill to alter and amend the patrol laws now in force in the county of Randolph, was read a second time.

Mr. Banks moved to amend by adding "Tuscaloosa county;" which was carried.

Mr. Taylor moved to amend further by adding, "Butler county;" which was carried; and the bill was ordered to be engrossed for a third reading.

The bill in relation to the sixteenth section fund in the county of Bibb:

The bill to change the time of holding the county court of Pike county:

The bill to change the time of holding the county court of Dallas county, and for other purposes:

The bill to provide for the better maintenance of the poor in the county of Dallas:

The bill to incorporate the congregation of Israelites of Shara Sharmayen, in the City of Mobile; were severally read a second time and ordered to be engrossed for a third reading.

The bill to levy additional taxes in the county of Barbour, for county purposes, was read a second time: the bill was amended by adding, "Henry and Franklin counties;" and then was ordered to be engrossed for a third reading:

The bill in relation to summoning defaulters in the county of Butler, was read a second time, and ordered to be engrossed for a third reading:

The bill to authorize the levy of a special tax in the county of Fay-

ette, for the support of paupers, was read a second time, and ordered to be engrossed for a third reading:

The bill to provide more permanently for the pay of jurors, in the county of Lowndes, was read a second time, and ordered to be engrossed for a third reading:

The bill to exempt certain persons from working on the roads, in the county of Fayette, was read a second time, and laid on the table:

The bill to assess and collect a county tax from the county of Macon, was read a second time:

Mr. Bugbee moved to amend, by an additional section; which was carried; and then the bill was ordered to be engrossed for a third reading.

The bill to alter the time of holding the circuit courts of the sixteenth judicial circuit; was read a second time;

Mr. Portis moved to amend by way of substitute.

Mr. McAlpin moved to amend, by striking out the last section of the substitute.

The bill was then ordered to be engrossed for a third reading.

The bill from the Senate, to incorporate the town of New Lexington, in the county of Tuscaloosa:

The bill from the Senate, to amend the charter of the Marine Railway and Insurance company of Mobile; were severally read a second time, and ordered to a third reading.

The bill from the Senate, to authorize the commissioners of the sixteenth section, of township twenty-two, range two west, Tuscaloosa land District, in the county of Sumter, to rescind a certain contract therein described, was read a second time, and referred to the committee on the sixteenth section fund.

The bill for the benefit of James Irvine, J. H. Weakley, J. M. Cunningham, Thomas J. Foster, James H. Donegan and Thomas Fearn, late Tennessee Canal Commissioners, was read a second time, and referred to the judiciary committee.

The bill to change the time of holding the circuit court of Pike county:

The bill for the relief Richard Locke:

The bill to compensate the commissioners of roads and revenue in Pike county:

The bill for the relief of Margaret L. Carter:

The bill to extend the powers of the town commissioners in De Kalb county:

The bill concerning the administration of the estate of Wm. S. Chapman, were severally read a second time, and ordered to be engrossed for a third reading.

The bill to alter the mode of selecting grand jurors, in the county of Dallas, was read the second time, and amended by adding, "Tallapoosa, Perry, Tuscaloosa and Barbour."

The bill was ordered to be engrossed for a third reading.

The bill to divorce Emily Susan Snipes from her husband Jeremiah Snipes.

The bill to authorize the Judge of the county court and commissioners of roads and revenue, of Randolph county, to levy a special tax:

And the bill for the support of paupers in the county of Pike, were severally read a second time, and ordered to be engrossed for a third reading

The joint resolutions from the Senate, for the relief of Lorenzo Walker and his wife, Pheraba Walker;

And the bill from the Senate, to revive and continue in force an act to authorize the levy of a special tax in Butler county; were severally read a second time, and ordered to a third reading.

The bill to amend the law in relation to the service of civil process, in the county of Russell, was read a second time and ordered to be engrossed for a third reading.

A bill to compensate Drs White and Paulin for services rendered State prisoners in Henry county jail, was read the second time

Mr. Davis, of L moved to amend by striking out "State," before Treasury, and insert "county."

Mr. Clancey moved to lay the bill and amendments on the table; which was lost.

Mr. Griffin moved to amend the amendment, by adding the words, "of Limestone," after the word "county."

Mr. Aldridge moved to lay the bill on the table; which was lost.

Mr. Frazier moved the previous question; which was not sustained.

The question was taken on the amendment to the amendment, and lost--yeas 10, nays 44.

YEAS—messrs. Dunn, Griffin, McAlpin, McLemore, McLeod, Moore of B. Mudd, Taylor, Williams of H. and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen, Banks, Barron, Caffey, Calloway, Clancey, Clarke, Cobb, Davis of L. Douglass, Fletcher, Frazier, Garrett, Harris, Hefflin, Hendrix, Holstein, Hubbard, Humphreys, Jackson of A. Jones of F., J. D. Johnson, Lang, Lankford, McCarty, McMillion of B. McMillion of J. Miree, Mitchell, Moore of M. Norman, Reid, Segar, Snowden, Sykes, Todd, Trawick, Troup, Webb, Whitsitt, and Winston.

Mr Evans moved to refer the bill to a select committee with instructions; which was carried—yeas 63, nays 10.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Banks, Barron, Bryan, Bugbee, Caffey, Calloway, Clancey, Clarke, Cobb, Davis of B. Dear, Drane, Evans, Fletcher, Garrett, Griffin, Hale, Hancock, Harris, Hefflin, Hendrix, Hill of B. Holstein, Howard, Jackson of A., Jackson of B., J. D. Johnson, R. T. Johnston, Lang, Lankford, McGriff, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Moore of M. Morris, Mudd, Oliver, Reid, Rose, Scruggs, Segar, Snowden, Steele, Stringer, Storrs, Sykes, Todd, Trawick, Webb, Whitsitt, Williams of H. Winston, and Witherspoon.

NAYS—messrs. Davis of L. Douglass, Dunn, Humphreys, Jones of F., Nall, Norman, Portis, Taylor and Troup.

The bill to regulate the time of holding the several circuit courts in the second judicial circuit, was read the second time.

Mr. Taylor moved to amend; which was adopted, and the bill ordered to be engrossed for a third reading.

The bill to divorce certain persons therein named, was read the second and third times forthwith, and passed.

The bill to authorize the regimental court of the sixtieth regiment of Alabama militia to form company beats, with a less number than forty privates, was read the second time, and referred to the committee on the military.

The bill for the relief of Catharine Welch, of Morgan county, was read a second time, and ordered to be engrossed for a third reading.

The bill to change the time of holding the circuit and county courts of the county of Limestone, was read the second time.

Mr. Douglass moved to amend.

Mr. Moore of M. moved to refer to a select committee.

And the House adjourned.

JANUARY 6, 1844.

The House met pursuant to adjournment.

Mr. Moore of M., from the committee on the State Bank and Branches, to which was referred the bill to reduce the salaries of the President, Directors, and other officers of the Bank of the State of Alabama and its several Branches, reported the bill back to the House, with the following amendments; to wit:

Strike out the first and second sections; retain the third section.—Strike out the fourth section of said bill; amend the fifth section by striking out "three," before the word "dollars," and insert "five." They have amended the proviso in said section, by striking out "twenty-five," and inserting "thirty three and one third" Strike out "nine hundred," and insert "one thousand" The committee also reported two additional sections.

The question was first taken on the first amendment of the committee; and the House refused to strike out—yeas 10, nays 77.

YEAS—messrs. Banks, Douglass, Frazier, Huntington, Meriwether, Mitchell, Moore of M. Storrs, and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen, Alston, Anderson, Baldwin, Bugbee, Barron, Bridges, Bryan, Caffey, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Cook, Davis of L. Dear, Drane, Dunn, Evans, Fletcher, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, Lankford, Martin, McCartey, McGriff, McLend, McMillion of B. McMillion of J. Miree, Moore of B. Morris, Morrisett, Mudd, Nall, Norman, Oliver, Owens, Reid, Rose, Sandidge, Scrugg, Segar,

Snowden, Spruill, Steele, Stringer, Sykes, Taylor, Todd, Trawick, Troup, Turner, Webb, Whitsitt, Williams of H. Williams of J. and Winston.

The question was then taken on the second amendment of the committee, proposing to strike out the second section of the bill.

The House refused to strike out. Yeas 26, nays 58.

YEAS—messrs. Speaker, Allen, Baldwin, Banks, Bugbee, Campbell, Douglass, Dunn, Hill of T. Huntington, Lang, McAlpin, Meriwether, Mitchell, Moore of M. Mudd, Nall, Norman, Scruggs, Steele, Sykes, Todd, Trawick, Turner, Webb and Witherspoon.

NAYS—Messrs. Aldridge, Alston, Anderson, Barron, Bridges, Bryan, Caffey, Calloway, Clancey, Clarke, Clemens, Cobb, Cook, Davis of L. Dear, Drane, Fletcher, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Holstein, Howard, Hubbard, Humphreys, Jackson of A. Jackson of B., Jones of F., J. D. Johnson, R. T. Johnston, Lankford, Martin, McCartey, McGriff, McLeod, McMillion of B. McMillion of J. Miree, Moore of B. Morris, Morrisett, Owens, Reid, Rose, Sandidge, Segar, Snowden, Spruill, Steele, Stringer, Taylor, Troup, Whitsitt, Williams of H. Williams of J. and Winston.

Mr. Webb moved to amend by striking out the word "four," in the first section, for the purpose of inserting "two;" which was lost.

Mr. Banks moved to amend, as follows, to come in at the end of the first section, viz:

"Who shall receive a compensation for their services of five dollars per day: *Provided*, That the compensation of no one Director shall exceed one hundred and twenty-five dollars per quarter, nor more than five hundred per annum."

Mr. Martin moved to lay the amendment on the table; which was carried

Mr. Norman moved to amend the second section, by striking out "seven hundred," and inserting "one thousand"

The House refused to strike out. Yeas 35, nays 50:

YEAS—Messrs. Speaker, Alexander, Anderson, Baldwin, Banks, Barron, Bridges, Bugbee, Caffey, Davis of B. Douglass, Dunn, Frazier, Hancock, Hubbard, Huntington, Lang, McAlpin, McLeod, Meriwether, Mitchell, Moore of M. Mudd, Norman, Portis, Rose, Scruggs, Steele, Stringer, Storrs, Todd, Troup, Turner, Webb and Witherspoon.

NAYS—messrs Aldridge, Allen, Alston, Bryan, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Cook, Davis of L. Dear, Drane, Evans, Fletcher, Garrett, Griffin, Harris, Hefflin, Hendrix, Hill of T. Holstein, Howard, Humphreys, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, Martin, McCartey, McGriff, McMillion of B. McMillion of J. Morris, Morrisett, Oliver, Reid, Sandidge, Segar, Snowden, Spruill, Taylor, Trawick, Whitsitt, Williams of H. and Williams of J.

Mr. Norman moved to strike out "fifteen hundred," and insert "twelve hundred and fifty."

Mr. Martin moved to lay the amendment on the table; which was lost. Yeas 41, nays 48:

YEAS—messrs. Speaker, Alexander, Alston, Anderson, Baldwin, Banks, Barron, Bridges, Bugbee, Bryan, Caffey, Daughless, Drane, Dunn, Evans, Frazier, Garrett, Hill of T. Howard, Hubbard, Huntington, Lang, Meriwether, Mitchell, Moore of B. Moore of M. Morrisett, Mudd, Nall, Oliver, Portis, Reid, Rose, Scruggs, Steele, Stringer, Storrs, Todd, Turner, Webb and Witherspoon.

NAYS—messrs. Aldridge, Allen, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B. Davis of L. Dear, Fletcher, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Holstein, Humphreys, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McCartey, McGriff, McLemore, McMillion of B. McMillion of J. Miree, Morris, Norman, Owens, Sandidge, Segar, Snowden, Spruill, Sykes, Taylor, Trawick, Troup, Whitsett, Williams of H. Williams of J. and Winston.

The question then recurred on the amendment of Mr. Norman. A division of the question was called for.

The question was first taken on striking out; and carried.

Mr. Moore of M. moved to fill the blank with "fourteen hundred and ninety-five."

A message was received from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency, the Governor, this day approved a bill entitled an act for the support of paupers in the county of Butler, which originated in this House.

The hour of twelve, having arrived, the House proceeded to the consideration of the bill to raise a revenue for the support of the State government.

Mr. Mitchell moved to amend, as follows:

Strike out all after the enacting clause in the first section, and insert the following:

That all lands in this State liable to taxation, shall be divided into five classes—lands of the first class or quality, shall be valued at sixteen dollars; lands of the second class, at ten dollars per acre; of the third class, at five dollars per acre; of the fourth class, at two dollars and fifty cents, per acre; and of the fifth class, at one dollar and twenty-five cents per acre; and the owner or person giving in the same shall state, on oath, the class, to which he or she believes his or her land belongs; and all lands shall be returned, and the taxes thereon paid to the assessor or collector, as the case may be, of the county wherein the same may lie.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—I am instructed to transmit to your honorable body the subjoined preamble and resolution, in which the concurrence of the House is requested:

Whereas, it has been the practice of all civilized governments from time immemorial to celebrate in some appropriate manner, the returning anniversary of heroic and military exploits; and whereas, the victory achieved on the eight of January, one thousand eight hundred and fifteen,

on the plains of New Orleans, by the intrepidity, valor, coolness and generalship of ANDREW JACKSON, aided by the indomitable bravery of the officers and men, is justly entitled to be classed among the most brilliant victories ever achieved in any country: Therefore,

Be it Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Door-keeper to each house make suitable preparations, and on the night of the eight instant, illuminate the entire Capitol, in that mode which is in their opinion is best calculated to carry out this resolution.

And the House adjourned.

AFTERNOON SESSION, January 6th, 1844.

Mr. Jackson of B. moved to suspend the rules in order to introduce a resolution, which was carried.

Mr. Jackson of B. then offered the following resolution:

Resolved, That the chairman of the committee on the State Bank and Branches be required to have prepared in a condensed form a statement of the indebtedness and liabilities of the members of the present Legislature, to said Bank and Branches, and lay the same before the House, at as early a day as possible.

Mr. Norman moved to strike out "Legislature" and insert "this House."

Mr. Campbell moved to lay the resolution on the table, which was lost—yeas 7, nays 91.

YEAS—Messrs. Campbell, Clarke, Jones of F., J. D. Johnson, R. T. Johnston, McGriff and Owens.

NAYS—Messrs. Speaker, Aldridge, Alexander, Allen, Alston, Banks, Barron, Bridges, Bryan, Caffey, Clancey, Cobb, Cook, Davis of B. Davis of L. Dear, Douglass, Drane, Dunn, Fletcher, Frazier, Griffin, Hale, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Howard, Hubbard, Jackson of A. Jackson of B., Lankford, Martin, McAlpin, McCarty, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of M. Morris, Morrisett, Mudd, Nall, Norman, Oliver, Portis, Reid, Rose, Sandidge, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Sykes, Tate, Taylor, Todd, Troup, Turner, Webb, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon.

The question was then taken on Mr. Norman's amendment, which was lost—yeas 16, nays 63.

YEAS—messrs Speaker, Aldridge, Alexander, Calloway, Clarke, Fletcher, Harris, McAlpin, McMillion of B. McMillion of J. Mitchell, Nall, Norman, Storrs, Troup and Turner.

NAYS—messrs. Allen, Alston, Banks, Barron, Bridges, Bryan, Caffey, Campbell, Clancey, Cobb, Cook, Davis of B. Davis of L. Douglass, Drane, Dunn, Frazier, Garrett, Griffin, Hale, Hancock, Hefflin, Hendrix, Hill of B. Hill of T. Howard, Hubbard, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McCarty, McGriff, Meriwether, Moore of M. Morris, Morrisett, Mudd, Oliver, Owens, Portis, Reid, Rose, Sandidge,

Segar, Snowden, Spruill, Steele, Stringer, Sykes, Tate, Taylor, Todd, Trawick, Webb, Whitsitt, Williams of J. Winston and Witherspoon.

Mr. Clancey moved to include the indebtedness of all persons to the Banks.

The motion was laid on the table, and the resolution was adopted.

The House then proceeded to the consideration of the bill to raise a revenue for the support of the State Government.

The question pending on the motion to postpone the bill and amendments indefinitely.

Mr. Jackson of B. moved to lay the bill and amendments on the table, which was lost—yeas 34—nays 52.

YEAS—messrs. Allen, Calloway, Campbell, Clarke, Cobb, Davis of B. Davis of L. Dear, Drane, Fletcher, Garrett, Hendrix, Hill of T. Holstein, Howard, Jackson of A., Jackson of B. R. T. Johnston, Lankford, Martin, McGriff, McLemore, Meriwether, Morrisett, Nall, Owen, Reid, Rose, Segar, Steele, Stringer, Storrs, Taylor, Williams of H. Williams of J. and Winston.

NAYS—messrs. Speaker, Aldridge, Alexander, Anderson, Baldwin, Banks, Barron, Bryan, Bugbee, Caffey, Clancey, Clemens, Cook, Douglass, Dunn, Evans, Frazier, Griffin, Hale, Hancock, Harris, Hill of B. Hubbard, Jones of F., J. D. Johnson, Lang, McAlpin, McCarty, McLeod, McMillion of B. McMillion of J. Miree, Mitchell, Moore of M. Morris, Mudd, Norman, Oliver, Portis, Sandidge, Snowden, Spruill, Tate, Todd, Trawick, Troup, Turner, Webb, Whitsitt and Witherspoon.

Mr. Norman moved to suspend the further consideration of the bill, to take up the resolution from the Senate, proposing to illuminate the capitol on the night of the eighth instant, in commemoration of the Battle of New Orleans, which was carried, and the resolution concurred in.

Mr. Hendrix, from the select committee, to whom was referred the bill to locate permanently the county site for the county of Cherokee, reported a substitute in lieu of the original bill, and recommended its passage.

The substitute was adopted, read the third time forthwith, and passed.

And the House adjourned.

NIGHT SESSION, JANUARY 6th, 1844.

The House met pursuant to adjournment.

The House resumed the consideration of the bill to change the time of holding the circuit and county courts of the county of Limestone.

The question was taken on Mr. Bugbee's amendment, and adopted, and then the bill was ordered to be engrossed for a third reading.

Mr. Frazier moved to take up bills on their third reading, which was carried.

Engrossed bill to assess and collect a county tax for the county of Macon.

Engrossed bill authorizing the sheriff of Walker county, to perform constables' business.

Engrossed bill to authorize Nelson H. White and Richard Burroughs to turnpike a certain road therein named, and for other purposes.

Engrossed bill to incorporate the town of Huntsville.

Engrossed bill to incorporate Lafayette in Chambers county.

Engrossed bill to legalize the sale of lots in the town of Columbia, in Henry county, and for other purposes.

Engrossed bill to require the clerks of certain counties therein named to make out and keep a reversed index to the several books of their offices.

Engrossed bill for the relief of James Burroughs for the purchase of a certain sixteenth section, in the county of Clarke, were severally read the third time and passed.

Engrossed bill to alter and amend the patrol law, now in force in certain counties therein named.

Mr. Bugbee moved to reconsider the vote on ordering this bill to a third reading: which was carried.

The following amendment was then made to the bill, viz:

"That the provisions of this act shall extend to the counties of Marshall, Fayette, Covington, Pickens, Bibb, Washington, Sumter, Lowndes, Walker, Henry, Pike, Marion and Coosa."

The bill was then read a third time and passed.

Engrossed bill for the relief of Catharine Welch; in Morgan county.

Engrossed bill concerning the administration of the estate of William Chapman, deceased.

Engrossed bill to incorporate Lafayette Mechanics' Literary and Benevolent Association

Engrossed bill to divorce Irvin Register from his wife Mary Register, were severally read the third time and passed.

Engrossed bill to restore James Patterson, of the county of Franklin, to citizenship.

Engrossed bill to incorporate the Jackson County Guards.

Engrossed bill to authorize the Judge of the county court and commissioners of roads and revenue of Randolph county, to levy a special tax.

Engrossed bill to authorize a portion of the citizens of Henry county to form a beat or volunteer company with a less number than forty privates.

Engrossed bill, to change the time of holding commissioners court of roads and revenue for the county of Madison, were severally read the third time, and passed.

Joint resolutions for the relief of Isaac Swan, tax collector of Sumter county, were read a third time, and passed.

Engrossed bill to incorporate the Greensborough cavalry company.

Mr. Webb moved to amend by way of engrossed rider; which was carried.

The bill was read a third time, and passed.—yeas 60, nays 9.

YEAS—messrs. Speaker, Alexander, Alston, Banks, Barron, Bugbee, Caffey, Calloway, Clancey, Davis of L. Dear, Douglass, Drane, Dunn, Evans, Fletcher, Griffin, Hale, Hancock, Harris, Hefflin, Hill of B. Hill of T. Holstern, Howard, Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, McGriff, McLemore McLeod, McMillion of B. McMillion of J. Mitchell, Moore of M. Mudd, Nall, Norman, Oliver, Portis, Reid, Sandidge, Scruggs, Snowden, Spruill, Stringer, Storrs, Sykes, Taylor, Todd, Trawick, Turner, Webb, Whitsitt, Williams of H. Winston and Witherspoon.

NAYS—messrs. Aldridge, Campbell, Cobb, Frazier, Hendrix, Lankford, Steele, Troup and Williams of J.

Engrossed bill in relation to the fees of certain officers in Baldwin county.

Engrossed bill to declare the Patsaliga river a public highway.

Engrossed bill to repeal the law incorporating the town of Clayton, in Barbour county.

Engrossed bill, to repeal an act entitled an act to alter and amend the road laws as to the county of Marion.

Engrossed bill, to divorce Elizabeth Holloway from her husband Washington Holloway; were severally read a third time and passed.

Engrossed bill, to regulate the pay of tales jurors, in the county of Benton, was read the third time and passed.

The bill from the Senate, to incorporate the town of New Lexington, in Fuscaloosa county:

The bill from the Senate, to amend the charter of the marine rail-way and insurance company of Mobile:

The joint resolutions, from the Senate, for the relief of Lorenzo Walker, and his wife Phereba, of Fayette county:

The bill from the Senate, to revive and continue in force an act to authorize the commissioners court of Butler county to levy an additional tax:

And the bill from the Senate, concerning the circuit court of Dallas county; were severally read the third time and passed.

And then the House adjourned.

JANUARY 8th, 1844.

The House met pursuant to adjournment.

Mr. Clancey moved to take up the resolutions offered by him on Friday; which was lost.

Mr. McLemore introduced a bill for the relief of James C. Durham; which was read the first and second times forthwith, and ordered to be engrossed for a third reading.

Mr. McLemore offered joint resolutions to extend the time of payment to the purchasers of sixteenth sections, and indebted to sixteenth section law; which was read the first, second and third times forthwith and passed.

Mr. Taylor introduced a bill to repeal in part an act therein named; which was read the first time, and ordered to a second reading.

The House then resumed the consideration of the bill to reduce the salary of the President, Directors and other officers of the Bank of the State of Alabama and its several Branches.

The question recurred on the motion of Mr. Moore of M. to fill the blank with fourteen hundred and ninety-five; which he withdrew.

Mr. Moore of M. moved to fill with "fourteen hundred and fifty;" which was lost—yeas 39, nays 45

YEAS—messrs. Speaker, Alexander, Anderson, Baldwin, Banks, Barron, Bridges, Bryan, Bugbee, Caffey, Douglass, Drane, Dunn, Frazier, Garrett, Hill of B. Howard, Hubbard, Jackson of B. Lang, McLemore, McLeod, Meriwether, Miree, Moore of M. Morrisett, Mudd, Oliver, Owens, Portis, Rose, Scruggs, Steele, Stringer, Storrs, Sykes, Todd, Walker and Witherspoon.

NAYS—Messrs. Aldridge, Allen, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B. Davis of L. Dear, Fletcher, Griffin, Hancock, Harris, Hefflin, Hendrix, Holstein, Humphreys, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, Martin, McCartney, McGriff, McMillion of B. McMillion of J. Morris, Nall, Norman, Reid, Sandidge, Segar, Snowden, Spruill, Taylor, Trawick, Troup, Whitsitt, Williams of H. Williams of J. and Winston.

Mr. Banks moved to fill the blank with "fourteen hundred;" which was lost—yeas 40, nays 41.

YEAS—messrs. Speaker, Alexander, Anderson, Baldwin, Banks, Barron, Bridges, Bugbee, Bryan, Caffey, Douglass, Drane, Dunn, Evans, Garrett, Hendrix, Hill of B. Howard, Hubbard, Jackson of B. Lang, Martin, McLemore, McLeod, Meriwether, Miree, Moore of M. Morrisett, Mudd, Oliver, Owens, Portis, Rose, Scruggs, Steele, Stringer, Storrs, Sykes, Todd, Walker and Witherspoon.

NAYS—messrs. Aldridge, Allen, Calloway, Campbell, Clancey, Clemens, Cobb, Davis of B. Davis of L. Dear, Fletcher, Griffin, Hancock, Harris, Hefflin, Holstein, Humphreys, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McCartney, McGriff, McMillion of B. McMillion of J. Morris, Nall, Norman, Reid, Sandidge, Segar, Snowden, Spruill, Taylor, Trawick, Troup, Whitsitt, Williams of H. Williams of J. and Witherspoon.

Mr. Walker moved to fill the blank with "thirteen hundred and seventy-five;" which was lost—yeas 41, nays 44.

YEAS—messrs. Speaker, Alexander, Anderson, Baldwin, Banks, Bugbee, Bridges, Bryan, Caffey, Dear, Douglass, Drane, Dunn, Evans, Garrett, Hendrix, Hill of B. Howard, Hubbard, Jackson of B. Lang, Martin, McAlpin, McLemore, McLeod, Meriwether, Miree, Moore of M. Morrisett, Mudd, Owens, Portis, Rose, Scruggs, Steele, Storrs, Sykes, Todd, Walker, Whitsitt and Witherspoon.

NAYS—messrs. Aldridge, Allen, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B. Davis of L. Fletcher, Griffin, Hancock, Harris, Hefflin, Holstein, Humphreys, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McCartney, McGriff, Mc-

Million of B. McMillion of J. Moore of B. Morris, Nall, Norman, Oliver, Reid, Sandidge, Segar, Snowden, Spruill, Stringer, Taylor, Trawick, Troup, Williams of H. Williams of J. and Winston.

Mr. Banks moved to fill the blank with "thirteen hundred and fifty;" which was carried—yeas 55, nays 33:

YEAS—messrs. Speaker, Alexander, Allen, Alston, Anderson, Baldwin, Banks, Bryan, Bugbee, Bridges, Barron, Caffey, Clarke, Cook, Douglass, Drane, Dunn, Frazier, Garrett, Hancock, Hill of B. Howard, Hubbard, Jackson of A. Jackson of B., J. D. Johnson, Lang, Martin, McAlpin, McLemore, McLeod, Meriwether, Miree, Mitchell, Moore of B. Moore of M. Morrisett, Mudd, Nall, Oliver, Owens, Partis, Reid, Rose, Scruggs, Spruill, Steele, Storrs, Sykes, Todd, Webb, Whiteitt, Winston, and Witherspoon.

NAYS—messrs Aldridge, Calloway, Campbell, Clancey, Clemens, Cobb, Davis of B. Davis of L. Dear, Fletcher, Griffin, Harris, Hefflin, Holstein, Humphreys, Jones of F., R. T. Johnston, Lankford, McCartey, McGriff, McMillion of B. McMillion of J. Morris, Norman, Sandidge, Segar, Snowden, Stringer, Taylor, Trawick, Troup, Williams of H. and Williams of J.

The question was then taken on striking out the fourth section.

The House refused to strike out—yeas 38. nays 48.

YEAS—messrs. Alexander, Alexander, Allen, Anderson, Baldwin, Banks, Bridges, Bryan, Bugbee, Caffey, Campbell, Clemens, Cook, Douglass, Dunn, Hancock, Hill of B. Hubbard, Huntington, Jackson of B. Lang, McAlpin, McLeod, Mitchell, Moore of B. Moore of M. Oliver, Rose, Sandidge, Scruggs, Snowden, Steele, Stringer, Storrs, Sykes, Todd, Trawick, Whiteitt and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Alston, Barron, Calloway, Clarke, Cobb, Davis of B. Davis of L. Dear, Drane, Evans, Fletcher, Franks, Garrett, Griffin, Harris, Hefflin, Hill of T. Holstein, Humphreys, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, Martin, McCartey, McGriff, McLemore, McMillion of B. McMillion of J. Miree, Morris, Morrisett, Mudd, Nall, Norman, Owens, Reid, Segar, Spruill, Taylor, Troup, Webb, Williams of H. Williams of J. and Winston.

The question was then taken on striking out "two," before Directors, in the fifth section, and insert "three;" which was lost—yeas 15, nays 72.

YEAS—messrs. Banks, Caffey, Davis of L. Douglass, Dunn, Lang, McAlpin, Mitchell, Moore of M. Oliver, Rose, Steele, Sykes, Tate and Todd.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen, Alston, Baldwin, Bugbee, Barron, Bridges, Bryan, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Davis of B. Dear, Drane, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F. J. D. Johnson, R. T. Johnston, Lankford, Martin, McCartey, McGriff, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Moore of B. Morris, Morrisett, Mudd, Nall, Norman, Partis, Reid, Sandidge, Scruggs, Segar, Snowden, Spruill, Stringer, Storrs, Tay-

lor, Trawick, Troup, Walker, Webb, Whitsitt, Williams of H. Williams of J. and Witherspoon.

The question was taken on striking out "three," before dollars, in the fifth section, and inserting "five," and lost—yeas 33, nays 55.

YEAS—messrs. Speaker, Alston, Baldwin, Banks, Bridges, Bryan, Bugbee, Caffey, Clarke, Drane, Dunn, Howard, Hubbard, Jackson of B. Martin, McAlpin, Mitchell, Moore of B. Moore of M. Nall, Norman, Oliver, Portis, Scruggs, Snowden, Steel, Storrs, Sykes, Tate, Todd, Walker, Webb, Whitsitt and Witherspoon.

NAYS—messrs. Aldridge, Alexander, Allen, Barron, Calloway, Campbell, Clancey, Clemens, Cobb, Cook, Davis of B. Davis of L. Dear, Douglass, Fletcher, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Humphreys, Huntington, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McCartney, McGriff, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Morris, Morrisett, Mudd, Owens, Reid, Rose, Sandidge, Segar, Spruill, Stringer, Taylor, Trawick, Troup, Williams of H. Williams of J. and Winston.

Mr. Campbell moved to strike out "three," in the fifth section, and insert "four" before dollars.

A division was called for, and the question was first taken on striking out and lost—yeas 34, nays 51.

YEAS—messrs. Alexander, Alston, Banks, Bridges, Bugbee, Caffey, Clarke, Cook, Dunn, Evans, Garrett, Hubbard, Lang, Martin, McAlpin, McLeod, Mitchell, Moore of B. Moore of M. Nall, Norman, Oliver, Portis, Scruggs, Snowden, Steele, Stringer, Storrs, Sykes, Tate, Todd, Walker, Whitsitt and Witherspoon.

NAYS—messrs. Aldridge, Allen, Barron, Calloway, Campbell, Clancey, Clemens, Cobb, Davis of B. Davis of L. Dear, Douglass, Drane, Fletcher, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of T. Holstein, Howard, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McCartney, McGriff, McLemore, McMillion of B. McMillion of J. Miree, Morris, Mudd, Reid, Rose, Sandidge, Segar, Spruill, Trawick, Taylor, Troup, Webb, Williams of H. Williams of J. and Winston.

Mr. Moore of M. moved to strike out "one thousand," in the sixth section, and insert "thirteen hundred and fifty."

The hour of twelve having arrived, the House proceeded to the consideration of the bill to raise a revenue for the support of the State Government.

Mr. Morrisett withdrew his motion to postpone indefinitely, and moved to strike out the third, fourth and tenth sections.

Mr. Jackson of B. renewed the motion to postpone indefinitely.

The motion was lost—yeas 33, nays 58.

YEAS—messrs. Aldridge, Calloway, Clancey, Clarke, Cobb, Davis of B. Dear, Fletcher, Garrett, Hefflin, Hill of B. Hill of T. Holstein, Howard, Jackson of A. Jackson of B., R. T. Johnston, Martin, McLemore, McMillion of B. McMillion of J. Morrisett, Mudd, Owens, Segar, Snow-

den, Spruill, Steele, Stringer, Storrs, Trawick, Williams of H. and Williams of J.

NAYS—messrs. Speaker, Alexander, Allen, Alston, Anderson, Baldwin, Banks, Barron, Bridges, Bryan, Bugbee, Caffey, Campbell, Clemens, Cook, Douglass, Drane, Dunn, Evans, Frazier, Griffin, Hancock, Harris, Hendrix, Hubbard, Humphreys, Huntington, Jones of F., J. D. Johnson, Lang, Lankford, McAlpin, McCartney, McLeod, Meriwether, Miree, Mitchell, Moore of B. Moore of mad. Morris, Norman, Oliver, Portis, Reid, Rose, Sandidge, Scruggs, Sykes, Tate, Taylor, Todd, Troup, Turner, Walker, Webb, Whitsett, Winston and Witherspoon.

The question then recurred on the amendment offered by, Mr. Mitchell.

Mr. Hubbard moved to amend the amendment by adding "shall be taxed and classed according to their value," to come in after "taxation."

The amendment was adopted—yeas 53, nays 29.

YEAS—messrs. Speaker, Aldridge, Alexander, Baldwin, Banks, Bryan, Bugbee, Caffey, Calloway, Campbell, Clancey, Clarke, Cobb, Douglass, Dunn, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Holstein, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F. Lang, Lankford, McAlpin, McCartney, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Moore of mad. Morris, Mudd, Norman, Sandidge, Scruggs, Segar, Stringer, Storrs, Sykes, Tate, Todd, Troup, Walker, Whitsett, Williams of J. and Winston.

NAYS—messrs. Allen, Anderson, Barron, Bridges, Cook, Davis of B. Dear, Drane, Hill of B. Hill of T. Howard, J. D. Johnson, R. T. Johnston, Mitchell, Morrisett, Nall, Oliver, Portis, Reid, Rose, Snowden, Spruill, Steele, Taylor, Trawick, Turner, Webb, Williams of H. and Witherspoon.

Mr. Frazier moved to amend the amendment by adding "and estimating the value of the lands, the locality, improvements and all other considerations that add value to the land, shall be estimated."

Mr. Witherspoon moved to lay the amendment and the amendment on the table, which was lost—yeas 30, nays 53.

YEAS—messrs. Allen, Barron, Bridges, Bryan, Clarke, Cook, Davis of B. Dear, Drane, Hill of B. Hill of T. Jackson of A., J. D. Johnson, R. T. Johnston, Mitchell, Nall, Oliver, Portis, Reid, Rose, Segar, Snowden, Spruill, Steele, Storrs, Taylor, Trawick, Turner, Webb and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Alexander, Baldwin, Banks, Bugbee, Caffey, Calloway, Campbell, Clancey, Cobb, Douglass, Dunn, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Holstein, Howard, Hubbard, Humphreys, Huntington, Jones of F. Lang, Lankford, McAlpin, McCartney, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Moore of mad. Morris, Morrisett, Mudd, Norman, Sandidge, Scruggs, Stringer, Sykes, Tate, Todd, Troup, Walker, Whitsett, Williams of H. Williams of J. and Winston.

The amendment of the Senate to the resolution of the House, proposing to elect an Adjutant and Inspector General, a Quarter Master General

al and a Judge of the county court of Monroe county, was concurred in, and then the House adjourned.

AFTERNOON SESSION, January 8, 1844.

The House met pursuant to adjournment.

The Senate were invited into the Hall of the House, and the two Houses proceeded first to the election of a Judge of the county court of Monroe county.

The name of *Rufus C. Torrey* being alone in nomination and he having received the whole number of votes given, (one hundred and ten,) was by Mr. Speaker declared duly and constitutionally elected Judge of the County Court of Monroe County, for the term prescribed by the constitution.

The two houses then proceeded to elect a Quarter Master General for the State of Alabama.

The names of *Carter R. Harrison*, *James H. Owen*, *James M. Norment* and *John Arnett*, being in nomination.

Those who voted for *Mr. Arnett*, are messrs Foster, Kelly, Marchbanks of the senate, and messrs Allen, Clancey, Cook, Fletcher, Griffin, Hendrix, J. D. Johnson, R. T. Johnston, McCarty, McMillion of J. Reid, Segar, Whitsitt and Witherspoon of the House—18.

Those who voted for *Mr. Harrison*, are messrs. President, Creagh, Hudson, McClanahan, McVay, Wilson and Yancey of the Senate; and messrs. Speaker, Aldridge, Alexander, Bugbee, Caffey, Clarke, Cobb, Franks, Frazier, Hancock, Hill of B. Hill of T. Hubbard, Huntington, Martin, McMillion of B. Meriwether, Moore of mad. Rose, Sandidge, Troup, Williams of J. and Winston of the house—30.

Those who voted for *Mr. Norment*, are messrs. Arrington, Dent, Dougherty, Hardaway, King, Moores, Oliver, Phillips, and Watrous of the Senate; and messrs. Alston, Banks, Barton, Campbell, Davis of B. Dear, Drane, Dunn, Jackson of B. McLeod, Mitchell, Mudd, Nall, Spruill, Storrs, Trawick and Williams of H. of the house—26.

Those who voted for *Mr. Owen*, are messrs. Bishop, McAlpin, Reese, Toulmin, Walker of B. Watkins and Winston of the Senate; and messrs. Anderson, Baldwin, Bridges, Bryan, Calloway, Clemens, Davis of L. Douglass, Evans, Garrett, Hefflin, Holstein, Howard, Humphreys, Jackson of A. Jones of F. Lankford, McAlpin, McGriff, McLemore, Mirce, Moore of B. Morris, Morrisett, Owens, Portis, Scruggs, Snowden, Steele, Stringer, Tate, Taylor, Todd, Turner, Walker and Webb of the house—43.

Neither having received a majority of all the votes given, the two houses proceeded to ballot a second time.

Those who voted for *Mr. Arnett*, are messrs. Foster, Marchbanks and Oliver of the senate; and messrs Allen, Clancey, Cook, Fletcher, Griffin, Harris, Hendrix, R. T. Johnston, McCarty, McMillion of J. Reid, Segar, Whitsitt and Witherspoon of the House—17.

Those who voted for *Mr. Harrison*, are messrs President, Creagh, Hudson, Kelly, McClanahan, McVay, Moores, Wilson, Winston and

Yancey of the Senate; and messrs. Speaker, Aldridge, Alexander, Bugbee, Bryan, Clarke, Cobb, Franks, Frazier, Hancock, Hill of B. Hill of T. Hubbard, Humphreys, Huntington, Jackson of A. Jones of F. Martin, McMillion of B. Meriwether, Moore of M. Norman, Rose, Sandidge, Todd, Troup, Williams of J. and Winston of the house—38.

Those who voted for *Mr. Norment*, are messrs Arrington, Dent, Dougherty, Hardaway, King, Phillips and Watrous of the senate; and messrs Alston, Baldwin, Banks, Barron, Campbell, Davis of B. Dear, Drane, Jackson of B., J. D. Johnson, McLemore, McLeod, Mitchell, Mudd, Nall, Oliver, Spruill, Storrs, Sykes, Trawick, and Williams of H. of the House—28.

Those who voted for *Mr. Owen*, are messrs Bishop, Fleming, McAlpin, Reese, Toulmin, Walker of B. and Watkins of the senate; and Anderson, Bridges, Caffey, Calloway, Clemens, Davis of L. Douglass, Dinn, Evans, Garrett, Hefflin, Holstein, Howard, Lankford, McAlpin, McGriff, Miree, Moore of B. Morris, Morrisett, Owens, Portis, Seunggs, Snowden, Steele, Stringer, Tate, Taylor, Turner, Walker and Webb of the house—38.

Neither having received a majority of the votes given, the two houses proceeded to ballot a third time. The name of *Mr. Arnett* being withdrawn.

Those who voted for *Mr. Harrison*, are messrs President, Brindley, Creagh, Foster, Hudson, Kelly, Marchbanks, McClanahan, McVay, Wilson, Winston and Yancey of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Bryan, Caffey, Clarke, Cobb, Franks, Frazier, Hancock, Harris, Hill of B. Hill of T. Hubbard, Humphreys, Huntington, Jackson of A. Jones of F. Martin, McCartney, McMillion of B. McMillion of J. Meriwether, Moore of B. Moore of M. Norman, Rose, Sandidge, Steele, Sykes, Todd, Troup, Williams of J. Winston and Witherspoon of the House—48.

Those who voted for *Mr. Norment*, are messrs. Arrington, Dent, Dougherty, Hardaway, King, McAlpin, Moores, Oliver, Phillips and Watrous of the senate; and messrs Banks, Barron, Campbell, Cook, Davis of B. Dear, Drane, Hendrix, Jackson of B., J. D. Johnson, R. T. Johnston, McLemore, McLeod, Mitchell, Nall, Oliver, Segar, Spruill, Storrs and Williams of H. of the house—30.

Those who voted for *Mr. Owen*, are messrs. Bishop, Fleming, Reese, Toulmin, Walker of B. Walthall and Watkins of the senate; and messrs. Alston, Anderson, Baldwin, Bridges, Bugbee, Calloway, Clancey, Clemens, Davis of L. Douglass, Dinn, Evans, Fletcher, Garrett, Griffin, Hefflin, Holstein, Howard, Lankford, McAlpin, McGriff, Miree, Morris, Morrisett, Mudd, Owens, Portis, Reid, Snowden, Stringer, Tate, Taylor, Turner, Walker, Webb, and Whitsitt of the house—43.

Neither having received a majority of the votes given, the two houses proceeded to ballot a fourth time.

Those who voted for *Mr. Harrison*, are messrs. President, Brindley, Creagh, Foster, Hudson, Kelly, Marchbanks, McClanahan, McVay, Toulmin, Walthall, Watkins, Wilson, Winston and Yancey of the senate;

and messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Caffey, Clarke, Cobb, Franks, Frazier, Garrett, Hancock, Harris, Hendrix, Hill of B. Hill of T. Hubbard, Humphreys, Huntington. Jackson of A. Jones of F. Lankford, Martin, McCartney, McMillion of B. McMillion of J. Meriwether, Moore of B. Moore of mad. Norman, Rose, Sandidge, Spruill, Steele, Todd, Troup, Williams of J. and Winston of the house—54.

Those who voted for *Mr. Norment*, are messrs. Arrington, Dent, Dougherty, Fleming, Hardaway, King, McAlpin, Moores, Oliver, Phillips, Reese, and Watrous of the senate; and messrs. Baldwin, Banks, Barron, Campbell, Davis of B. Dear, Jackson of B., R. T. Johnston, McLemore, Mitchell, Mudd, Nall, Oliver, Segar, Storrs, Trawick, Williams of H. and Witherspoon of the house—30.

Those who voted for *Mr. Owen*, are messrs. Bishop, and Walker of B. of the senate; and messrs. Alston, Anderson, Bryan, Calloway, Clancey, Clemens, Davis of L. Douglass, Drane, Dunn, Evans, Fletcher, Garrett, Griffin, Hefflin, Holstein, Howard, J. D. Johnson, McAlpin, McGriff, McLeod, Miree, Morris, Morrisett, Owens, Portis, Reid, Scruggs, Snowden, Stringer, Tate, Taylor, Turner, Walker Webb, and Whitsitt, of the house—39.

Neither having received a majority of the votes given—the two houses proceeded to ballot a fifth time.

Those who voted for *Mr. Harrison*, are messrs. President, Bishop, Brindley, Creagh, Fleming, Foster, Hudson, Kelly, King, Marchbanks, McClanahan, McVay, Moores, Oliver, Phillips, Reese, Toulmin, Walshall, Watkins, Wilson, Winston and Yancey of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Caffey, Clarke, Cobb, Cook, Dear, Franks, Frazier, Hancock, Harris, Hendrix, Hill of B. Hill of T. Hubbard, Humphreys, Huntington, Jones of F. J. D. Johnson, Lankford, Martin, McCartney, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of M. Mudd, Norman, Rose, Sandidge, Spruill, Steele, Todd, Troup, Williams of J. and Winston of the house—62.

Those who voted for *Mr. Norment*, are messrs. Dent, Dougherty, Hardaway, McAlpin and Watrous of the senate; and messrs. Baldwin, Banks, Barron, Davis of B. McLemore, Nall, Oliver, Scruggs, Storrs, and Witherspoon of the house—16.

Those who voted for *Mr. Owen*, are messrs. Arrington, and Walker of B. of the senate; and messrs. Alston, Anderson, Bryan, Bugbee, Calloway, Clancey, Clemens, Davis of L. Douglass, Drane, Dunn, Evans, Fletcher, Garrett, Griffin, Hefflin, Holstein, Howard, Jackson of B., R. T. Johnston, McAlpin, McGriff, McLeod, Miree, Moore of B. Morris, Morrisett, Owens, Portis, Reid, Segar, Snowden, Stringer, Tate, Taylor, Trawick, Turner, Walker, Webb, Whitsitt and Williams of H. of the house—43.

Mr. Harrison having received a majority of all the votes given, *Mr. Speaker*, declared him duly elected Quarter Master General of the State of Alabama, for the term prescribed by law.

The two houses next proceeded to elect an Adjutant and Inspector General.

The names of *James G. Carroll* and *James W. Lang* being in nomination.

Those who voted for *Mr. Carroll*, are messrs. President, Arrington, Dent, Dougherty, Fleming, Foster, Hardaway, King, McAlpin, Moores, Oliver, Phillips, Reese and Watrous of the senate; and messrs. Alston, Anderson, Baldwin, Banks, Bugbee, Birron, Campbell, Davis of B. Dear, Drane, Garrett, Howard, Jackson of B., J. D. Johnson, R. T. Johnston, Mitchell, Moore of mad. Morrisett, Mudd, Nall, Oliver, Owens, Rose, Scruggs, Segar, Spruill, Webb, and Witherspoon of the house—42.

Those who voted for *Mr. Lang*, are messrs Bishop, Creagh, Hudson, Kelly, Marchbanks, McClanahan, McVay, Toulmin, Walker of B. Wal-
thall, Watkins, Wilson, Winston and Yancey of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Bryan, Caffey, Calloway, Clancey, Clarke, Clemens, Cook, Davis of L. Douglass, Dunn, Evans, Fletcher, Franks, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F. Linkford, Martin, McAlpin, McCarty, McGriff, McLemore McLeod, McMillion of B. McMillion of J. Meri-
wether, Miree, Moore of B. Morris, Norman, Portis, Reid, Sindidge, Snowden, Steele, Stringer, Sykes, Tate, Taylor, Todd, Trawick, Troup, Turner, Walker, Whitsitt, Williams of H. Williams of J. and Winston of the house—78.

Mr. Lang having received a majority of the votes given, was declared by the Speaker duly elected Adjutant and Inspector General, for the term prescribed by law.

The Senate then withdrew to their chamber.

Mr. Evans, from the committee on accounts, reported a bill for the payment of certain claims against the State; which was read the first and second time forthwith.

Mr. Griffin moved to amend the bill as follows:

Be it further enacted, That the sum of thirty-three dollars be paid to Joseph G. Garrett, for making returns of the Congressional election; which was adopted.

The bill was read the third time forthwith, and passed.

Mr. Evans, from the committee on accounts, reported that it was inexpedient to allow the following claims, to wit: James P. Steadley, Thomas Robinson, Robert S. Johnson, H. W. Harvey, John D. Caldwell, A. J. Taylor, William J. Ryan, A. J. Cotton, John Chauncey, James M. Austin, John W. Wadford, Richard McGriff, B. P. Morrison, Joseph Abel, J. Howard, M. B. Hinkle, William Hinkle, J. C. Camp and Josiah Butts.

The report was laid on the table.

Mr. Evans, from the same committee, to which was referred the bill for the relief of Larkin Poe, reported the same back to the House, and recommended its passage.

The bill was read the third time forthwith and passed.

Mr. Davis of L. from the select committee, to which was referred

the joint resolutions proposing a change in the Constitution, reported a substitute in lieu of the original resolution, which was adopted.

Mr. Frazier moved to amend the joint resolutions, by way of substitute, for the resolution reported by the committee.

Mr. Rose moved to amend the amendment of Mr. Frazier as follows:

“And also that the Constitution be further amended by striking out the twenty-ninth section of the third article.”

Mr. Bridges moved to lay the resolutions and amendment on the table, which was lost—yeas 12, nays 70.

YEAS—messrs. Speaker, Baldwin, Banks, Barron, Bridges, Dunn, Jackson of B. McAlpin, Meriwether, Mitchell, Storrs and Todd.

NAYS—messrs. Aldridge, Alexander, Allen, Alston, Anderson, Bugbee, Caffey, Calloway, Campbell, Clancey, Clarke, Cobb, Davis of B. Davis of L. Dear, Douglass, Drane, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McCartney, McGriff, McLeone, McLeod, McMillion of B. McMillion of J. Miree, Moore of M. Morris, Morrisett, Mudd, Nall, Norman, Oliver, Portis, Reid, Rose, Sandidge, Segar, Snowden, Spruill, Steele, Stringer, Taylor, Trawick, Troup, Walker, Webb, Whitsitt, Williams of H. Williams of J. Winston, and Witherspoon.

Mr. Davis of L. moved to lay the amendment and the amendment to the amendment on the table, which was lost—yeas 28, nays 54.

YEAS—Messrs. Alexander, Alston, Anderson, Baldwin, Banks, Barron, Davis of L. Douglass, Franks, Harris, Huntington, Jones of F., J. D. Johnson, R. T. Johnston, McAlpin, McCartney, McMillion of J. Meriwether, Mitchell, Morris, Mudd, Norman, Sandidge, Troup, Walker, Whitsitt, Winston and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Allen, Bugbee, Bridges, Bryan Caffey, Calloway, Campbell, Clarke, Davis of B. Dear, Drane, Dunn, Evans, Fletcher, Frazier, Garrett, Griffin, Hancock, Hefflin, Hendrix, Hill of T. Holstein, Howard, Hubbard, Humphreys, Jackson of A. Jackson of B. Lang. Lankford, McGriff, McLeod, McMillion of B. Miree, Moore of M. Morrisett, Nall, Oliver, Portis, Reid, Rose, Scruggs, Segar, Snowden, Spruill, Steele, Stringer, Taylor, Todd, Trawick, Webb, Williams of H. and Williams of J.

Mr. Huntington moved to lay the amendment offered by Mr. Rose on the table, which was lost—yeas 40, nays 45.

YEAS—messrs. Aldridge, Alexander, Alston, Anderson, Baldwin, Banks, Barron, Calloway, Campbell, Davis of L. Douglass, Franks, Frazier, Hancock, Harris, Hubbard, Humphreys, Huntington, Jones of F., J. D. Johnson, R. T. Johnston, McAlpin, McCartney, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of M. Morris, Mudd, Norman, Sandidge, Scruggs, Spruill, Troup, Walker, Webb, Whitsitt, Winston and Witherspoon.

NAYS—messrs. Speaker, Allen, Bugbee, Bridges, Bryan, Caffey, Clarke, Cobb, Davis of B. Dear, Drane, Dunn, Evans, Fletcher, Garrett, Griffin, Hefflin, Hendrix, Hill of T. Holstein, Howard, Jackson of A. Jackson of B. Lang, Lankford, McGriff, McLemore, McLeod, Miree, Morrisett, Nall, Oliver, Portis, Reid, Rose, Segar, Snowden, Steele, Stringer, Storrs, Taylor, Todd, Trawick, Williams of H. and Wilson of J.

Mr. Banks moved to adjourn until to-morrow morning at half-past nine o'clock, which was lost—yeas 19, nays 61.

YEAS—messrs. Alexander, Alston, Baldwin, Banks, Campbell, Douglass, Huntington, McAlpin, McLeod, Meriwether, Mitchell, Norman, Reid, Rose, Scruggs, Spruill, Stringer, Storrs, and Williams of J.

NAYS—Messrs. Speaker, Aldridge, Allen, Anderson, Barron, Bugbee, Bridges, Bryan, Caffey, Calloway, Clarke, Cobb, Davis of B. Davis of L. Dear, Drane, Dunn, Evans, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of T. Holstein, Howard, Hubbard, Humphreys, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McCartey, McLemore, McMillion of B. McMillion of J. Miree, Moore of M. Morris, Morrisett, Mudd, Oliver, Portis, Sandidge, Segar, Snowden, Steele, Taylor, Todd, Trawick, Troup, Webb, Whitsitt, Williams of H. Winston and Witherspoon.

Mr. Barron moved to adjourn until half-past six o'clock P. M.

Mr. Williams of H. moved to adjourn until fifteen minutes past nine o'clock to morrow morning, which was carried—yeas 50, nays 31.

YEAS—Messrs. Speaker, Alexander, Allen, Alston, Anderson, Baldwin, Banks, Bugbee, Bryan, Caffey, Campbell, Davis of B. Davis of L. Douglass, Evans, Franks, Garrett, Griffin, Hancock, Harris, Hendrix, Holstein, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F. Lankford, McAlpin, McCartey, McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Norman, Owens, Reid, Rose, Sandidge, Scruggs, Spruill, Steele, Stringer, Sykes, Walker, Williams of H. Williams of J. Winston and Witherspoon.

NAYS—Messrs. Aldridge, Barron, Bridges, Calloway, Cobb, Dear, Drane, Dunn, Frazier, Hefflin, Hill of T. Howard, Jackson of B., J. D. Johnson, R. T. Johnston, McLemore, McLeod, McMillion of B. Morris, Morrisett, Mudd, Oliver, Portis, Segar, Snowden, Storrs, Taylor, Todd, Troup, Webb and Whitsitt.

So the House adjourned.

JANUARY 9th, 1844.

The House met pursuant to adjournment.

Mr. Spruill moved to take up the message from the Senate, which motion was carried.

Mr. Walker introduced a bill concerning the transfer of suits; which was read the first time and ordered to a second reading.

Mr. R. T. Johnston introduced a bill to require an extra term of the

circuit court of Pickens county; which was read the first time, and ordered to a second reading.

Mr. Whitsitt presented the account of J. C. Van Dyke; which was referred to the committee on accounts.

Mr. Williams, of H. from the committee to which was referred a bill to be entitled an act more particularly to define the county line between Henry and Barbour counties, reported bill the back to the House without an amendment, and recommended its passage.

The bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Winston, from a select committee, to which was referred a bill to be entitled an act to incorporate the Tennessee and Coosa Railroad Commissioners, reported the bill back to the House, and recommended its passage.

The bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Garrett presented a joint memorial to the Congress of the United States, on the subject of the pre-emption laws, which was read and adopted.

Mr. Winston, from the committee to which was referred a bill to authorize a loan of a portion of the two per cent. fund to the Montgomery and West Point Railroad Company, reported the bill back to the House, with a substitute, and recommended its passage.

The substitute was adopted.

Mr. Hubbard moved to amend.

Mr. Clarke moved to lay the bill and amendment on the table, which was lost—yeas 39, nays 48

YEAS—Messrs. Speaker, Aldridge, Alexander, Anderson, Banks, Bridges, Bryan, Calloway, Clarke, Cobb, Cook, Davis of B. Davis of L. Douglass, Harris, Hefflin, Hill of B. Huntington, Jones of F., R. T. Johnston, Lang, McCartey, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Morris, Mudd, Portis, Reid, Rose, Scruggs, Spruill, Storrs, Trawick, Troup, Turner and Whitsitt.

NAYS—Messrs. Allen, Barron, Bugbee, Caffey, Campbell, Clancey, Clemens, Dear, Drane, Dunn, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Hendrix, Hill of T. Holstein, Hubbard, Jackson of A. Jackson of B., J. D. Johnson, Lankford, Martin, McAlpin, McLemore, McLeod, Moore of M. Morrisett, Nall, Norman, Oliver, Sandidge, Segar, Snowden, Steele, Stringer, Sykes, Taylor, Todd, Walker, Webb, Williams of H. Williams of J. Winston and Wither-
spoon.

Mr. Spruill moved to amend the amendment:

“Provided, further that each stockholder shall be bound in his individual capacity for the whole amount of money borrowed, as contemplated by the provisions of this act.”

Mr. McAlpin moved to lay Mr. Spruill's amendment on the table; which was carried—yeas 49, nays 32.

YEAS—messrs. Aldridge, Anderson, Baldwin, Barron, Bridges, Bugbee, Caffey, Clancey, Glemens, Cobb, Drane, Dunn, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Hendrix, Holstein, Hubbard, Humphreys, Jackson of A. Jackson of B. Lang, Lankford, Martin, McAlpin, McGriff, McLemore, McLeod, McMillion of B. Moore of M. Nall, Norman, Oliver, Portis, Sandidge, Scruggs, Segar, Snowden, Steele, Stringer, Sykes, Todd, Webb, Williams of J. Winston and Wither-spoon.

NAYS—messrs. Alexander, Allen, Banks, Calloway, Campbell, Cook, Davis of L. Dear, Douglass, Harris, Hefflin, Hill of T. Huntington, Jones of F. J. D. Johnson, R. T. Johnston, McMillion of J. Meriwether, Miree, Mitchell, Morris, Mudd, Reid, Rose, Spruill, Storrs, Taylor, Trawick, Troup, Turner, Whitsitt and Williams of H.

The question recurred on Mr. Hubbard's amendment, when the following message was received from the Senate, viz:

Mr. Speaker—The Senate has passed the House bill, entitled an act for the relief of Bridget O'Brien.

The Senate has also originated and passed the accompanying bills, to be entitled,

An act to repeal the act, approved February thirteen, eighteen hundred and forty-three, authorizing the appointment of brigade drill officers:

An act to change the time of holding the commissioners' court in the counties of Cherokee and Madison:

An act in relation to the rescission of a certain contract of purchase, of a part of the sixteenth section, in township twelve, range five, in the county of Wilcox:

An act authorizing James Nance to remove the settlement of the estate of Lundy Lee and Pleasant Lee, from the county of Dallas to the county of Pickens:

An act authorizing a rescission of a contract of sale of a part of a certain sixteenth section, in the county of Shelby:

An act to authorize the transfer of causes from the Orphans' court to the Chancery court, in certain cases:

An act to authorize the citizens of Autauga county, to locate a seat of justice for said county,

And an act to amend the charter of the town of Gainesville, in the county of Sumter:

In which your honorable body is requested to concur.

The hour of twelve having arrived, the House resumed the consideration of the bill to reduce the salaries of the President, Directors and other officers of the Bank of the State of Alabama and its several Branches.

The question pending on the motion of Mr. Moore of M. to strike out "one thousand," in the eighth section, and insert "one thousand three hundred and fifty."

The question was first taken on striking out, and lost—yeas 40, nays 46.

YEAS—messrs. Anderson, Baldwin, Banks, Bridges, Bryan, Bugbee, Caffey, Calloway, Clemens, Davis of L. Drane, Dunn, Evans, Hendrix, Howard, Hubbard, Huntington, Jackson of A. Jackson of B. Lang, McAlpin, McLemore, McLeod, Mitchell, Moore of M. Morrisett, Mudd, Nall, Oliver, Portis, Rose, Scruggs, Steele, Stringer, Storrs, Sykes, Todd, Turner, Walker and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen, Barron, Campbell, Clancey, Clarke, Cobb, Cook, Davis of B. Douglass, Fletcher, Franks, Frazier, Griffin, Hancock, Harris, Hefflin, Hill of B. Hill of T. Holstein, Humphreys, Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McGriff, McMillion of B. McMillion of J. Meriwether, Miree, Morris, Norman, Reid, Sandidge, Segar, Snowden, Spruill, Taylor, Trawick, Troup, Webb, Whitsitt, Williams of H. and Williams of J.

Mr. Clemens moved to amend as follows, to come in at the end of the eighth section:

“Except the cashier of the Branch Bank at Montgomery, who shall be entitled to receive one thousand three hundred and fifty dollars for his services;” which was adopted.

Mr. Winston moved to reconsider the vote on filling the blank in the second section with thirteen hundred and fifty; which was carried—yeas 47, nays 39.

YEAS—messrs. Speaker, Alexander, Anderson, Banks, Barron, Bugbee, Bridges, Bryan, Caffey, Clark, Clemens, Davis of B. Douglass, Drane, Dunn, Evans, Garrett, Hendrix, Hill of B. Howard, Huntington, Jackson of B. Jones of F. Lang, Martin, McAlpin, McLemore, McLeod, Meriwether, Miree, Mitchell, Moore of M. Mudd, Nall, Oliver, Portis, Rose, Scruggs, Steele, Stringer, Storrs, Sykes, Todd, Turner, Walker, Webb and Witherspoon.

NAYS—messrs. Aldridge, Allen, Calloway, Campbell, Clancey, Cobb, Davis of L. Fletcher, Franks, Griffin, Hancock, Harris, Hefflin, Hill of T. Holstein, Hubbard, Humphreys, Jackson of A. J. D. Johnson, R. T. Johnston, Lankford, McGriff, McMillion of B. McMillion of J. Morris, Morrisett, Norman, Reid, Sandidge, Segar, Snowden, Spruill, Taylor, Trawick, Troup, Whitsitt, Williams of H. Williams of J. and Winston.

Mr. Huntington moved to fill the blank with “fifteen hundred;” which was carried—yeas 45, nays 39.

YEAS—messrs. Speaker, Alexander, Anderson, Banks, Barron, Bridges, Bryan, Bugbee, Caffey, Clarke, Clemens, Douglass, Drane, Dunn, Evans, Garrett, Hendrix, Hill of B. Howard, Huntington, Jackson of B. Lang, Martin, McAlpin, McLemore, McLeod, Meriwether, Miree, Mitchell, Moore of M. Mudd, Nall, Oliver, Portis, Rose, Scruggs, Steele, Stringer, Storrs, Sykes, Todd, Turner, Walker, Webb and Witherspoon.

NAYS—messrs. Aldridge, Allen, Calloway, Campbell, Clancey, Cobb, Davis of L. Fletcher, Franks, Griffin, Hancock, Harris, Hefflin, Hill of T. Holstein, Hubbard, Humphreys, Jackson of A. Jones of F.

J. B. Johnson, R. T. Johnston, Lankford, McGriff, McMillion of B. McMillion of J. Morris, Morrisett, Owens, Reid, Sandidge, Segar, Snowden, Spruill, Taylor, Trawick, Troup, Whitsitt, Williams of H. Williams of J. and Winston.

Mr. Walker moved to strike out "seven hundred," in the second section, and insert, "nine hundred and fifty;" which was lost—yeas 30, nays 50.

YEAS—messrs Speaker, Anderson, Baldwin, Banks, Barron, Bridges, Bugbee, Bryan, Caffey, Drane, Dunn, Evans, Huntington, Jackson of B. Lang, Martin, McAlpin, McLemore, McLeod, Meriwether, Miree, Mitchell, Moore of M. Nall, Oliver, Owens, Scruggs, Steele, Sykes, Todd, Walker and Witherspoon.

NAYS—messrs Aldridge, Alexander, Allen, Bryan, Calloway, Campbell Clancey, Clarke, Clemens, Cobb, Cook, Davis of L. Dear, Douglass, Fletcher, Franks, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McGriff, McMillion of B. McMillion of J. Morris, Morrisett, Mudd, Norman, Port. S. Reid, Rose, Sandidge, Segar, Snowden, Spruill, Stringer, Taylor, Trawick, Troup, Turner, Whitsitt, Williams of H. and Williams of J.

Mr. Dunn moved to amend as follows:

"Be it further enacted, That upon the sale of any of the real or personal estate belonging to said bank or any of the branch banks, such title only shall be made to the purchaser, as the said bank or branch bank may have in and to the same."

Mr. Martin moved to amend the amendment, by adding, "where it may be considered by the board dangerous to the interest of the bank or branch bank to warrant titles."

And then the House adjourned.

AFTERNOON SESSION, January 9, 1844.

The House met pursuant to adjournment.

Mr. Clemens, from the judiciary committee, to which was referred an engrossed bill for the relief of Sarah Ann Black, reported the bill back to the House, with an amendment, and recommended its passage.

The bill was read a third time and passed.

Mr. Clemens, from the same committee, to which was referred the bill for the relief of Stephen Cobb, tax collector of Covington county, reported, that it was inexpedient to legislate on the subject.

The report was concurred in.

Mr. Clemens, from the same committee, to which was referred a bill in relation to judicial proceedings, reported that it would be inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Clemens, from the same committee, to which was referred a bill

to incorporate a Planter's and Mercantile Company at Prairie Bluff, in the county of Wilcox, reported, that it would be highly inexpedient to pass said bill.

The report was concurred in.

Mr. Clemens, from the same committee, to which was referred a bill to regulate the change of venue in civil suits, reported the bill back to the House, with the following amendment:

“ Provided, That if any person seeking a change of venue in any civil suit, shall make oath, that he or she is not able to give the required security, a change of venue shall be allowed without security for costs;” recommended its passage.

The report was concurred in. the bill read a third time and passed.

Mr. Clemens, from the same committee, to which was referred a bill to extend the remedy by supersedeas, reported that it would be inexpedient to legislate on the subject.

The report was concurred in.

Mr. Clemens, from the same committee, to which was referred a bill for the relief of Milly Sample, reported the bill back to the House, without amendment, and recommended its passage.

The bill was read a third time, and passed.

Mr. Clemens, from the same committee, to which was referred a bill for the relief Margery Brame, reported the bill back to the House, with an amendment, and recommended its passage.

The report was concurred in, and the bill read a third time, and passed.

Mr. Clemens, from the same committee, to which was referred the petitions of James M. Davis and Charles Gookin, reported, that the facts disclosed in said petitions are not sufficient to authorize a recovery in a court of law, and the legislature, in making appropriations from the Public Treasury, ought not to act on testimony of a lower grade: the establishment of any other precedent would, in the opinion of the committee, be exceedingly dangerous and inexpedient.

The report was concurred in.

Mr. Clemens, from the same committee, to whom was referred a bill to reduce the pay of witnesses, and for other purposes, reported, that it would be inexpedient to legislate upon the subject.

Concurred in.

Mr. Clemens, from the same committee, to which was referred the bill for the protection of Sheriffs and Coroners, reported, that it would be inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Clemens, from the same committee, to which was referred the bill to regulate the pay of Sheriffs for attending the Supreme court, reported the same to the House, with an amendment, and recommended its passage.

The amendment was concurred in, and the bill was read a third time, and passed.

Mr. Clemens, from the same committee, to which was referred the petition of Elizabeth Felder, together with the bill for the relief of Mary Davis, reported the bill to the House, and recommended its passage.

The bill was read the second time and ordered to be engrossed.

Mr. Clemens, from the same committee, to which was referred the petition of Eliza Kenan, reported a bill in conformity with the prayer of the petitioner and recommended its passage.

The bill was read the first and second times and ordered to be engrossed for a third reading.

Mr. Walker, from the committee on the judiciary, to whom was referred a bill to abolish the separate Chancery Court system in this State, reported the same back to the House, as inexpedient to pass.

Mr. Martin moved to lay the report and bill on the table.

A division of the question was called, and it was first taken on laying on the table the report; which was carried.

The question recurred on laying the bill on the table; which was lost. Yeas 40, nays 44:

YEAS—messrs. Speaker, Alexander, Anderson, Baldwin, Barron, Bugbee, Caffey, Campbell, Clarke, Douglass, Drane, Dunn, Evans, Garrett, Hendrix, Howard, Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Martin, McAlpin, McGriff, McLemore, McLeod, Mitchell, Nall, Portis, Snowden, Spruill, Stringer, Storrs, Sykes, Todd, Turner, Walker, Webb, Whitsitt, Williams of H. and Witherspoon.

NAYS—messrs. Aldridge, Allen, Banks, Bridges, Bryan, Calloway, Clancey, Clemens, Cobb, Cook, Davis of B. Davis of L. Dear, Fletcher, Franks, Frazier, Griffin, Hancock, Harris, Hefflin, Hill of B. Hill of T. Holstein, Jackson of A. Lankford, McMillion of B. McMillion of J. Meriwether, Miree, Moore of B. Moore of mad. Morris, Mudd, Owens, Reid, Rose, Sandidge, Segar, Steele, Taylor, Trawick, Troup, Williams of J. and Winston,

Mr. Webb moved to suspend with the consideration of the bill for the present, in order to proceed with the revenue bill; which was carried.

Yeas 44, nays 42:

YEAS—messrs. Speaker, Alexander, Anderson, Baldwin, Barron, Bugbee, Clarke, Douglass, Drane, Dunn, Evans, Hendrix, Howard, Hubbard, Humphreys, Huntington, Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Martin, McAlpin, Mitchell, McLemore, McLeod, McGriff, Moore of B. Norman, Oliver, Owens, Portis, Spruill, Steele, Stringer, Storrs, Sykes, Todd, Turner, Walker, Webb, Whitsitt, Williams of H. and Witherspoon.

NAYS—messrs. Aldridge, Allen, Banks, Bridges, Bryan, Caffey, Calloway, Clancey, Clemens, Cobb, Cook, Davis of B. Davis of L. Dear, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hill of B. Hill of T. Holstein, Lankford, McMillion of B. McMillion of J. Miree, Moore of mad. Morris, Mudd, Reid, Rose, Sandidge, Segar, Snowden, Taylor, Trawick, Troup, Williams of J. and Winston.

The House resumed the consideration of the bill to raise a revenue for on the support of the State government—the question pending the amendment offered by Mr. Frazier, to the amendment of Mr. Mitchell.

Mr. Martin moved to postpone the bill indefinitely, the amendment, and the amendment to the amendment.

A division of the question being called, it was first taken on postponing the amendment to the amendment; and carried. Yeas 51, nays 34:

YEAS—messrs. Speaker, Alexander, Allen, Anderson, Banks, Barron, Bridges, Bryan, Clancey, Caffey, Clarke, Cobb, Davis of B. Dear, Douglass, Drane, Evans, Fletcher, Hefflin, Hill of B. Hill of T. Holstein, Howard, Jackson of A. Jackson of B., J. D. Johnson, Lang, Martin, McLe-more, McLeod, Meriwether, Miree, Moore of B. Morrisett, Nall, Oliver, Owens, Portis, Reid, Rose, Snowden, Spruill, Steele, Stringer, Storrs, Taylor, Trawick, Webb, Williams of H. Williams of J. and Witherspoon.

NAYS—messrs. Aldridge, Baldwin, Calloway, Campbell, Clemens, Cook, Davis of L. Dunn, Franks, Garrett, Griffin, Hancock, Harris, Hendrix, Hubbard, Humphreys, Huntington, Lankford, McAlpin, McGriff, McMillion of B. McMillion of J. Mitchell, Moore of mad. Morris, Mudd, Norman, Sandidge, Sykes, Troup, Turner, Walker, Whitsitt, and Winston.

The question recurred on postponing the amendment, and carried. Yeas 48, nays 39:

YEAS—messrs. Speaker, Allen, Anderson, Baldwin, Barron, Bridges, Bryan, Bugbee, Caffey, Clarke, Cobb, Cook, Davis of B. Dear, Drane, Garrett, Harris, Hill of T. Jackson of B. J. D. Johnson, R. T. Johnston, Martin, McGriff, McLeod, McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Morrisett, Mudd, Nall, Oliver, Owens, Portis, Reid, Rose, Snowden, Spruill, Steele, Stringer, Taylor, Todd, Trawick, Turner, Webb, Williams of H. and Witherspoon.

NAYS—messrs. Aldridge, Alexander, Banks, Calloway, Clancey, Clemens, Davis of L. Douglass, Dunn, Evans, Fletcher, Franks, Griffin, Hancock, Hefflin, Hendrix, Hill of B. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Lang, Lankford, McAlpin, McMillion of B. Moore of mad. Morris, Norman, Sandidge, Segar, Storrs, Sykes, Troup, Walker, Whitsitt and Williams of J.

Mr. Moore of mad. moved to amend, as follows—to come in after the enacting clause, in the first section, to wit:

“That there shall be levied and collected upon all lands subject to taxation in this State, and upon all real estate or property situated or lying in any city or town, twenty-five cents on every hundred dollars value thereof.

Sec. 2. *And be it further enacted*, That it shall be the duty of the several assessors in each county in this State, to assess the value of all lands subject to taxation, and of all real property situate in any city or town; and in such assessment or valuation it shall be the duty of each assessor to take into consideration the improvements thereon, the location, and all other causes, which may in his opinion add value to such land, city or town property: *Provided*, That if any person shall be of opinion that his land, city or town property, have been valued too high, such person may appeal from the valuation or assessment of such assessor, upon giving the assessor ten days notice of such appeal, to the nearest

justice of the peace, and two freeholders of the neighborhood, and of whom one shall be chosen by the assessor and the other by the person appealing, who, on oath, to be administered by such justice of the peace, shall proceed to value the land, city or town property in question, together with the improvements thereon, whose valuation shall be final."

Mr. Bridges moved moved to lay the amendment on the table; which was carried. Yeas 56, nays 29:

YEAS—messrs. Speaker, Alexander, Allen, Anderson, Baldwin, Banks, Barron, Bridges, Bryan, Bugbee, Caffey, Calloway, Campbell, Clancey, Clarke, Cobb, Davis of B. Dear, Douglass, Drane, Evans, Franks, Harris, Hefflin, Hill of B. Hill of T. Holstein, Howard, Jackson of A. Jackson of B. J. D. Johnson, R. T. Johnston, Martin, McLeod, Meriwether, Miree, Mitchell, Morrisett, Nall, Oliver, Portis, Reid, Rose, Sandidge, Segar, Snowden, Spruill, Steele, Stringer, Taylor, Tra-wick, Turner, Webb, Williams of H. Williams of J. and Witherspoon.

NAYS—messrs. Aldridge, Cook, Davis of L. Dunn, Fletcher, Garrett, Griffin, Hancock, Hendrix, Hubbard, Humphreys, Huntington, Lang, Lankford, McAlpin, McMillion of B. McMillion of J. Moore of Mad. Morris, Mudd, Norman, Owens, Storrs, Sykes, Todd, Troup, Walker, Whitsitt and Winston.

The House then adjourned.

NIGHT SESSION, JANUARY 9th, 1844.

The House met pursuant to adjournment.

Mr. Martin offered the following resolution, which was adopted:

Resolved, That the Clerk of this House be authorized to employ such assistance as may be necessary to carry on the business of the session: *Provided*, That the compensation shall not exceed three dollars per day.

Mr. Dunn, from the select committee, to which was referred a bill to consolidate the several acts of incorporation of the city of Mobile, and to alter and amend the same, reported the bill back to the House, with the following amendment, by way of proviso, to come in at the end of the forty-eighth section viz:

Provided, Such license tax shall in no case exceed twelve dollars, except when the same may be granted to retailers of liquors, keepers of taverns, billiard tables or nine or ten pin alleys, circus or theatrical exhibitions for public amusement. And recommended its passage.

The bill was read a third time and passed.

The bill to test the sense of the people of Barbour county on the removal of the seat of justice from the Clayton to Eufaula, the rule being suspended, the bill was read a second and third times forthwith and passed.

The bill to amend an act to incorporating the city of Wetumpka, and establishing a city court therein, was read a second and third time forthwith and passed.

The bill in relation to assessors in the county of Barbour, was read a second time and amended by adding to following counties: Dallas, But-

ler, Chambers, Lowndes, Lawrence, Dale, Coffee, Randolph, Wilcox, Autauga, Monroe and Mobile.

Mr. Aldridge moved to amend, to wit:

Be it further enacted, That the tax collectors in the counties of Blount, Talladega, Lauderdale, Franklin, Fayette, De Kalb, Marion, St. Clair, Washington, Cherokee, Jefferson and Marshall, shall hereafter assess and collect a tax in said counties.

Mr. Jackson of B. moved to lay the amendment on the table.

Mr. Norman moved to lay the bill and amendment on the table.

A division of the question was called for, and the question was first taken on laying the amendment on the table; and carried.

The question was then taken on laying the bill on the table; and lost. Yeas 36, nays 48:

YEAS—messrs. Aldridge, Alexander, Allen, Anderson, Caffey, Clements, Cobb, Cook, Davis of L. Douglass, Dunn, Frazier, Garrett Griffin, Harris, Hill of T. Hubbard, Humphreys, J. D. Johnson, Lang, Lankford, Martin, McCartey, McMillion of B. Miree, Moore of M. Morris, Norman, Reid, Rose, Segar, Spruill, Todd, Troup, Whitsitt and Williams of J.

NAYS—messrs. Baldwin, Barron, Banks, Bridges, Bugbee, Callo-way, Clarke, Davis of B. Dear, Drane, Evans, Hancock, Hefflin, Hendrix, Holstein, Howard, Jackson of A. Jackson of B. Jones of F., R. T. Johnston, McAlpin, McLemore, McLeod, McMillion of J. Mitchell, Morrisett, Mudd, Nall, Oliver, Portis, Sandidge, Snowden, Steele, Stringer, Storrs, Taylor, Trawick, Turner, Walker, Webb, Williams of H. and Witherspoon.

Mr. Bridges moved to refer the bill to a select committee, which was carried, and the bill was so referred.

Mr. McMillion of B. from the committee on enrolled bills, reported as correctly enrolled bills and joint resolutions of the following titles:

An act concerning the circuit courts of Dallas county:

An act to revive and continue in force an act entitled an act to authorize the commissioners' court of Butler county to levy an additional tax:

An act to amend the charter of the Marine Railway and Insurance Company of Mobile:

Joint resolutions for the relief of Lorenzo Walker and his wife Pheriba, of Fayette county:

The bill to authorize the duties of clerks of the circuit and county courts of Washington county to be performed by the same person, was read the second and third times forthwith and passed:

The bill for the more effectual preservation of the arms of the State in charge of the first volunteer regiment of Alabama, and for other purposes:

And the bill to regulate proceedings in Justices' courts in the county of Randolph; were severally read the second and third times forthwith and passed.

The bill to attach a part of the county of Greene to the county of Perry, was read a second time, and ordered to be engrossed for a third reading.

Mr. J. D. Johnson, from the committee on enrolled bills, reported as correctly enrolled:

An act to incorporate the town of New Lexington, in the county of Tuscaloosa.

The bill to authorize Charles McCardin and his associates to build and enjoy a fish trap at the Weduska shoals, on Coosa river, was read the second and third times and passed.

Mr. Baldwin moved that the House do now adjourn, which was lost—yeas 31, nays 41.

YEAS—messrs. Alexander, Allen, Anderson, Baldwin, Banks, Bugbee, Campbell, Clarke, Cobb, Davis of B. Davis of L. Douglass, Drane, Garrett, Holstein, Lankford, McAlpin, McMillion of J. Miree, Mitchell, Morrisett, Mudd, Oliver, Reid, Spruill, Steele, Walker, Whitsitt, Williams of H. Winston and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Barron, Bridges, Caffey, Calloway, Dear, Dunn, Evans, Frazier, Hancock, Hetlin, Hendrix, Hill of T. Howard, Hubbard, Humphreys, Jackson of A. Jackson of B, Jones of F., J. D. Johnson, R. T. Johnston, Lang, McLemore, McLeod, McMillion of B. Moore of M. Nall, Norman, Portis, Sandidge, Segar, Snowden, Stringer, Storrs, Taylor, Trawick, Troup, Webb, and Williams of J.

Mr. Mudd moved a call of the House, which was sustained, and the following members answered to their names:

Messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Barron, Bugbee, Caffey, Calloway, Campbell, Clarke, Cobb, Davis of B. Davis of L. Dear, Douglass, Drane, Dunn, Evans, Frazier, Hancock, Hetlin, Hendrix, Hill of T. Holstein Howard, Hubbard, Humphreys, Jackson of A. Jackson of B, J. D. Johnson, R. T. Johnston, Lang, Lankford, McAlpin, McLemore, McLeod, McMillion of B. McMillion of J. Miree, Mitchell, Moore of M. Morrisett, Mudd, Nall, Norman, Oliver, Portis, Reid, Sandidge, Segar, Snowden, Spruill, Stringer, Storrs, Taylor, Todd, Trawick, Troup, Walker, Webb, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon.

The bill to change the time of holding the county courts in Russell county:

The bill to authorize Richard Prince to erect a gate on the public road in Greene county, near Jones' Bluff:

The bill to annex to the city of Montgomery a piece of land therein described:

The bill to change the name of the county seat of Randolph county from that of McDonald to Wedowe, and to incorporate the same:

The bill to secure the records of the orphans' court of Dale county:

The bill for the relief of Mildred Fitzpatrick, of the county of Macon :

And the bill to reduce constables' fees in the county of Conecuh; were severally read the second and third times forthwith and passed.

And the House adjourned.

JANUARY 10th, 1844.

The House met pursuant to adjournment.

Mr. Moore of B. from the committee on enrolled bills, reported as correctly enrolled:

An act for the relief of Bridget O'Brien.

Mr. Williams of H. from the committee to which was referred a bill to compensate Drs. White and Paulin for medical services rendered State prisoners in Henry county jail, reported the bill back to the House, without amendment, and recommended its passage.

The bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Bridges, from the committee on ways and means, reported a bill making appropriations for the year eighteen hundred and forty-four, which was read the first and second times.

Mr. Rose moved to strike out "ten" before "thousand dollars," in the last section, and insert "twelve," which was lost.

Mr. Griffin moved to strike out "three hundred" in the appropriation to the Secretary of State.

Mr. Humphreys, moved to amend the motion by adding and insert "one hundred and fifty "

A division of the question was called, which was first taken on striking out, and lost—yeas 36, nays 48.

YEAS—messrs. Aldridge, Allen, Barron, Campbell, Cobb, Cook, Davis of B. Fletcher, Franks, Frazier, Griffin, Hancock, Hendrix, Hill of T. Hubbard, Humphreys, J. D. Johnson, R. T. Johnston, Lankford, McCartey, McMillion of B. Moore of M. Morris, Owens, Reid, Rose, Sandidge, Segar, Spruill, Stringer, Webb, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon.

NAYS—messrs. Speaker. Alexander, Anderson, Baldwin, Banks, Bridges, Bugbee, Caffey, Calloway, Clarke, Clemens, Dear, Douglass, Drane, Dunn, Evans, Hefflin, Hill of B. Holstein, Howard, Huntington, Jackson of A., Jackson of B., Jones of F., Lang, Martin, McAlpin, McGriff, McLemore, McLeod, McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Mudd, Nall, Oliver, Portis, Snowden, Steele, Sykes, Tate, Taylor, Trawick, Troup, Turner and Walker.

Mr. Portis moved to suspend the rule in order to give the bill a third reading forthwith; which was lost—yeas 20, nays 61.

YEAS—messrs. Banks, Bridges, Campbell, Davis of B. Davis of L. Dear, Frazier, Hancock, Hendrix, Hubbard, Jackson of A. Lankford, McCartey, Morris, Reid, Segar, Spruill, Troup, Whitsitt and Williams of J.

NAYS—messrs. Aldridge, Alexander, Allen, Anderson, Baldwin, Barron, Bugbee, Caffey, Calloway, Clarke, Clemens, Cobb, Cook, Douglass, Drane, Evans, Fletcher, Franks, Garrett, Griffin, Hefflin, Hill of B. Hill of T. Holstein, Howard, Humphreys, Huntington, Jones of F. R. T. Johnston, Lang, Martin, McAlpin, McGriff, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Moore of M. Mudd, Nall, Oliver, Owens, Portis, Rose, Sandidge, Snowden, Steele, Stringer, Sykes, Taylor, Trawick, Turner, Walker, Webb, Williams of H. Winston and Witherspoon.

Mr. Spruill moved to recommit the bill to the committee on ways and means; which was lost.

Mr. Moore of M. moved to strike out "two hundred and fifty," in the appropriation to the Comptroller.

Mr. Winston moved to lay the amendment on the table; which was lost.

The question then recurred on the motion of Mr. Moore of M. to strike out, when Mr. Winston moved the previous question, when was sustained, and the bill was ordered to be engrossed for a third reading.

Mr. Walker moved to suspend the rule in order to take up the message from the Senate; which was carried—yeas 66, nays 19.

YEAS—Messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Bridges, Bryan, Caffey, Campbell, Clancey, Clarke, Cobb, Dear, Drane, Evans, Franks, Frazier, Garrett, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Martin, McGriff, McLemore, McLeod, McMillion of B. Meriwether, Miree, Mitchell, Moore of B. Moore of M. Mudd, Norman, Oliver, Owens, Portis, Reid, Rose, Sandidge, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Sykes, Taylor, Todd, Trawick, Turner, Walker, Webb, Whitsitt, Williams of H. Williams of J. and Witherspoon.

NAYS—messrs. Campbell, Clemens, Cook, Davis of B. Davis of L. Douglass, Fletcher, Griffin, Hancock, Hubbard, Lankford, McAlpin, McCartey, McMillion of J. Morris, Morrisett, Tate, Troup and Winston.

The bill from the Senate, for the relief of Doctor Thomas Moody, of the county of Clarke, was read the second and third times forthwith and passed.

The engrossed bill from the Senate, in relation to costs of prosecutions in criminal cases, in the county of Mobile.

The engrossed bill from the Senate, to compensate C. C. Clay, and J. Withers Clay for certain services therein named, were severally read the first, second and third times forthwith and passed.

The bill from the Senate, to repeal in part and amend an act entitled an act to prevent the sacrifice of real estate, approved January first, eighteen hundred and forty-two, was read a first and second times forthwith, and referred to the committee on the judiciary.

The engrossed bill from the Senate the better to define the duties of the President and Directors of the Bank of the State of Alabama and the several Branches thereof, was read a first and second time.

Mr. Moore of M. moved to refer the bill to the committee on the State Bank and Branches; which was carried, and the bill so referred.

Joint resolutions from the Senate, rescinding a certain contract therein named, was read the first, second and third times forthwith and passed.

The bill from the Senate incorporating the town of Union Springs, in the county of Macon, was read the first, second and third times and passed.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed the accompanying bill from the House of Representatives:

An act for the relief of the citizens of township fifteen, range eight, east, in the county of Benton.

The Senate has also passed bills of the following titles, in which the concurrence of your honorable body is respectfully asked:

An act to confer upon the commissioners court of roads and revenue power to regulate and determine the width of lanes of the second and third grade of roads:

An act to authorize the Bank to sell a certain tract of land therein mentioned:

An act for the better security of vessels and property upon the waters of this State:

An act for the relief of the citizens of township sixteen, range seven, east in the county of Benton:

An act to regulate the hawking and peddling of books and periodicals in this State:

An act for the relief of the representatives of Robert Williams, deceased:

An act to authorize the commissioners court of roads and revenue of the counties of Montgomery, Bibb and Chambers to levy a tax of fifty per cent on the State tax authorized for the year eighteen hundred and forty-four:

An act to authorize William McGhee to open a certain road therein named, and for other purposes.

An act to authorize a loan of a portion of the two per cent fund to the Montgomery and West Point rail road company:

An act to regulate the pay of Bank Attorneys:

And joint resolutions, creating a board of control for the Bank of the State of Alabama and the several Branches thereof.

The House resumed the consideration of the bill to reduce the salaries of the President, Directors and other officers of the Bank of the State of Alabama and its several Branches.

The question pending on the amendment of Mr. Martin to the amendment of Mr. Dunn,

Mr. Clemens moved to lay the amendment and the amendment to the amendment on the table.

Mr. Dunn called for a division of the question, which was first taken on laying the amendment to the amendment on the table, and carried.

The question then recurred on laying the amendment on the table, and lost—yeas 29—nays 58.

YEAS—messrs. Speaker, Aldridge, Alexander, Bryan, Clancey, Clemens, Cobb, Douglass, Frazier, Garrett, Griffin, Hancock, Hendrix, Hill of

B. Hill of T. Holstein, Howard, Huntington, Lankford, McMillion of B. McMillion of J. Meriwether, Miree, Morris, Owens, Sandidge and Whitsitt.

NAYS—messrs. Allen, Anderson, Baldwin, Banks, Barron, Bridges, Bugbee, Caffey, Calloway, Campbell, Clarke, Cook, Davis of B. Davis of L. Dear, Drane, Dunn, Fletcher, Franks, Harris, Hefflin, Hubbard, Humphreys, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Martin, McAlpin, McGriff, McLemore, McLeod, Moore of B. Moore of M. Mudd, Nall, Norman, Oliver, Reid, Rose, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Tate, Taylor, Trawick, Troup, Webb, Williams of H. Williams of J. Winston and Witherspoon.

Mr. Morrisett moved to amend the amendment by striking out "and personal;" which was lost—yeas 28, nays 50.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Clancey, Cobb, Douglass, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Hendrix, Hill of B. Hill of T. Holstein, Howard, Lankford, McMillion of B. Meriwether, Miree, Moore of M. Morris, Morrisett, Portis, Reid and Williams of J.

NAYS—messrs. Anderson, Baldwin, Banks, Barron, Bridges, Bugbee, Caffey, Calloway, Campbell, Clarke, Clemens, Davis of B. Davis of L. Dear, Drane, Dunn, Evans, Harris, Hefflin, Hubbard, Humphreys, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, McAlpin, McGriff, McLemore, McLeod, McMillion of J. Mitchell, Moore of B. Mudd, Nall, Norman, Oliver, Snowden, Spruill, Steele, Stringer, Storrs, Taylor, Trawick, Troup, Walker, Webb, Whitsitt, Williams of H. Winston and Witherspoon.

The amendment was then adopted.

Mr. Moore of M. moved to amend the eighth section by striking out "one thousand;" which was lost—yeas 20, nays 67.

YEAS—messrs. Allen, Anderson, Baldwin, Banks, Bugbee, Caffey, Campbell, Drane, Franks, Howard, Huntington, McAlpin, Meriwether, Mitchell, Moore of M. Mudd, Sykes, Tate, Troup and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Alexander, Barron, Bridges, Bryan, Calloway, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B. Davis of L. Dear, Douglass, Dunn, Evans, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, Martin, McGriff, McLeod, McMillion of B. McMillion of J. Moore of B. Morris, Morrisett, Nall, Norman, Oliver, Owens, Portis, Reid, Rose, Sandidge, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Taylor, Trawick, Troup, Walker, Webb, Whitsitt, Williams of H. Williams of J. and Winston.

And then the House adjourned.

AFTERNOON SESSION, January 10th, 1844.

The House met pursuant to adjournment.

Mr. Moore of P. (Mr. Martin in the chair) offered the following resolution, which was adopted:

Resolved, That the Cashier of the State Bank report to this House at as early a day as possible, whether all the members of the Legislature from Sumter county at the last session of the Legislature were present when the bad and doubtful debts of said county were marked, and if they were not all present, say who were.

Mr. Bugbee moved to suspend the bill under consideration in order to enable him to introduce a bill; which was lost.

The House then resumed the consideration of the bill to reduce the salaries of the President, Directors and other officers of the Bank of the State of Alabama and its several Branches.

The question recurred on the amendment offered by Mr. Baldwin, which is as follows:

Provided, That if debts are marked bad or doubtful, and it shall afterwards appear that such debts were undoubtedly good when so marked and collected, the attorney collecting the same shall be entitled to not exceeding five per cent commission on the same.

The amendment was adopted.

Mr. Bugbee moved to strike out the proviso in the amendment of the committee.

Mr. Hubbard moved to lay the amendment on the table; which was carried.

Mr. Douglass moved to amend as follows:

"That the President of the State Bank, and the Presidents of the different Branches be required and are hereby required to be in attendance at the Bank and the Branch Banks respectively during business hours."

Mr. Dunn moved to lay the amendment on the table; which was lost—yeas 33, nays 44.

YEAS—messrs. Allen, Anderson, Baldwin, Barron, Bridges, Bugbee, Caffey, Clancey, Clarke, Davis of B. Dear, Drane, Dunn, Franks, Hefflin, Hill of B. Hill of T. Howard, Hubbard, Humphreys, Jones of F., R. T. Johnston, Lang, Lankford, McAlpin, McCarty, Moore of M. Morrisett, Norman, Oliver, Snowden, Todd and Winston.

NAYS—messrs. Speaker, Aldridge, Alexander, Banks, Calloway, Campbell, Cobb, Davis of L. Douglass, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hendrix, Holstein, Jackson of A., Jackson of B. J. D. Johnson, Martin, McGriff, McLeod, McMillion of B. McMillion of J. Miree, Moore of B. Morris, Mudd, Nall, Portis, Reid, Sandidge, Spruill, Steele, Stringer, Tate, Taylor, Troup, Turner, Walker, Webb, Whitsitt, Williams of B. Williams of H. and Williams of J.

The question then recurred on Mr. Douglass' amendment.

Mr. Taylor moved the previous question; which was lost—yeas 15, nays 64.

YEAS—messrs. Bridges, Bugbee, Calloway, Campbell, Cook, Hill of B. Huntington, Jones of F., Miree, Moore of B. Norman, Taylor, Turner, Williams of H. and Winston.

NAYS—Messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Barron, Caffey, Clancey, Clarke, Cobb, Davis of B. Davis of L. Douglass, Dunn, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of T. Holstein, Howard, Hubbard, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McAlpin, McCarty, McGriff, McLeod, McMillion of B. Meriwether, Mitchell, Moore of M. Morris, Morrisett, Mudd, Nall, Oliver, Portis, Reid, Rose, Sandidge, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Todd, Troup, Webb, Whitsitt and Williams of J.

The amendment offered by Mr. Douglass, was adopted.

The other amendments proposed by the committee were then adopted.

Mr. Moore of M. moved the previous question, when, Mr. Martin moved to lay the bill on the table; which was lost—yeas 3, nays 83

YEAS—Messrs. Martin, Moore of B. and Norman.

NAYS—messrs Speaker, Alexander, Allen, Anderson, Baldwin, Banks, Barron, Bridges, Bugbee, Caffey, Calloway, Campbell, Clancey, Clarke, Cobb, Davis of B. Davis of L. Douglass, Drane, Dunn, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, McAlpin, McCarty, McGriff, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris, Morrisett, Mudd, Nall, Oliver, Portis, Reid, Rose, Sandidge, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Sykes, Tate, Taylor, Todd, Trawick, Troup, Turner, Walker, Webb, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon.

The question was then taken on the motion for the previous question, and sustained—yeas 74, nays 11.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Barron, Bridges, Caffey, Calloway, Clancey, Cobb, Cook, Douglass, Drane, Dunn, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, McAlpin, McCarty, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Moore of M. Morris, Morrisett, Mudd, Nall, Oliver, Portis, Reid, Sandidge, Segar, Snowden, Spruill, Steele, Stringer, Sykes, Tate, Taylor, Todd, Trawick, Troup, Walker, Webb, Whitsett, Williams of H. Williams of J. Winston and Witherspoon.

NAYS—messrs. Banks, Bugbee, Clarke, Davis of B. Davis of L. Evans, Jackson of B. Martin, Norman, Storrs and Turner.

The main question, shall this bill be ordered to a third reading, was decided in the affirmative.

Mr. Martin moved to suspend the special order to take up the bill to reduce the compensation of members of the General Assembly.

Mr. Howard moved to suspend the orders generally; which was lost.

The House then resumed the consideration of a bill to raise a revenue for the support of the State Government.

The first section of the bill was adopted—yeas 51, nays 35.

NAYS—messrs. Alexander, Allen, Anderson, Banks, Barron, Bridges, Bugbee, Caffey, Calloway, Clancey, Clarke, Cobb, Davis of B. Dear, Douglass, Drane, Evans, Hefflin, Hill of B. Hill of T. Howard, Huntington, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, Lang, Martin, McAlpin, McLeod, Meriwether, Mitchell, Moore of M. Morrisett, Nall, Oliver, Portis, Reid, Rose, Sandidge, Segar, Spruill, Steele, Stringer, Taylor, Todd, Turner, Webb, Whitsitt, Williams of H. and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Campbell, Cook, Davis of L. Dunn, Fletcher, Franks, Frazier, Garrett, Griffin, Hancock, Harris, Hendrix, Holstein, Hubbard, Humphreys, Jones of F. Lankford, McCarty, McLemore, McMillion of B. McMillion of J. Miree, Morris, Mudd, Norman, Owens, Snowden, Storrs, Sykes, Tate, Troup, Walker, Williams of J. and Winston.

Mr. Spruill moved to amend the second section, as follows, viz:

Be it further enacted, That by reason of proximity of any lands to any city or town, the same shall be of greater value than the class to which said lands would belong if otherwise situated, the same shall be estimated according to the value thereof, to be ascertained by the oath of the person giving in the same; and whenever such lands shall not be given in for taxation, or if the assessor shall believe that the same has not been valued sufficiently high, he shall proceed to have the same valued as provided for in the fifth section of the existing revenue law.

Mr. Martin moved to lay the amendment on the table.

And the House adjourned.

NIGHT SESSION, January 10, 1844.

The House met pursuant to adjournment.

The House proceeded to the consideration of bills on their second reading.

The bill for the relief of Isaac Swan, tax collector of Sumter county, was read the second and third times forthwith and passed.

Mr. Taylor notified the House that he would move to reconsider the vote on the bill for the relief of Mildred Fitzpatrick.

The bill to divorce Irvin Register from his wife, Mary Register, was read the second time, and laid on the table.

The bill in relation to the rescission of a certain contract of purchase

of a part of the sixteenth section, in township twelve, range five, was read a second time.

Mr. Mitchell moved to strike out the latter clause of the bill; which was carried.

Mr. Bridges moved to amend by way of engrossed ryder, as follows:

And be it further enacted, That Joseph Rivers, James Compton and Henry C. Braden, purchasers of parts of the sixteenth section, township eleven, range eleven, in said county, be, and they are hereby, each of them, authorized to rescind their contract for the purchase of the same, in the same manner as is provided for by the foregoing provisions of this act; and upon the rescission of the contract as aforesaid, the lands by them purchased shall reinvest in the inhabitants of said township in the same manner as though the same had never been sold; which was carried, and the bill read a third time and passed.

The bill to regulate the fees of Justices and Constables, in the county of Mobile, was read a second time, and the House refused to order it to a third reading.

The bill to incorporate the town of Tompkinsville, in the county of Sumter, was read the second and third times forthwith, and passed.

The bill to levy a special tax in the county of Franklin, was read the second and third times forthwith and passed.

The bill in relation to the rescission of a certain contract of purchase of a part of the sixteenth section, in township twelve, range five, in the county of Wilcox, was read the second time.

Mr. Winston moved to amend by adding the following:

Sec. 2. *And be it further enacted*, That the purchasers of the sixteenth section, or part thereof, in township nine, range seven east, in the county of De Kalb, and the school commissioners therein, be authorized to rescind the contract of sale for the same, in the same manner as directed in the first section of this act,

Which was adopted, and the caption of the bill was amended so as to read as follows:

An act to be entitled an act in relation the rescission of a certain contract therein named.

The bill to change in part the line between the thirty-fifth and eighty-third regiments of Alabama militia, and for other purposes, was read the second and third times forthwith and passed.

The bill for the relief of John M. Bloodworth, late tax collector in the county of Barbour, was read the second and third times forthwith and passed.

The bill to confirm the emancipation of certain slaves, was read a second time.

Mr. McAlpin moved to amend by striking out "five" before thousand, and inserting "one;" which was carried.

Mr. Huntington moved to amend by adding "unless the condition of the said bond be forfeited;" which was adopted.

Mr. Winston moved to amend as follows:

Sec. 3. *And be it further enacted,* That James Garrett, of De Kalb county, be authorized to emancipate a slave named Moses, in the same manner and upon the same conditions as are mentioned in the several sections of this act.

Which was adopted, and the bill was read a third time and passed.

The bill to incorporate St. Paul's Church, Carlowssville, in the county of Dallas, was read the second and third times forthwith and passed.

The bill to annex a part of Pike to Barbour county, was read the second and third times forthwith and passed.

The bill to incorporate the town of Pickensville, in the county of Pickens, was read the second and third times forthwith, and passed.

The bill to define more plainly the line between Jackson and De Kalb counties, was read the second time and referred to the delegation from Jackson and De Kalb.

The bill to alter the time of holding the commissioners' court of the county of Pickens, was read the second time and laid on the table.

The bill to provide for the selecting of Grand Jurors, in the county of Marion:

The bill to incorporate the Enon Male and Female Academy in the county of Macon, were severally read the second and third times, and passed.

The bill to change the place of holding the chancery court in the eighth chancery district of Alabama, was read the second time.

Mr. Williams of H. moved to refer the bill to the delegation from Henry, Dale and Coffee; which was lost.

The bill was then read a third time and passed—yeas 47, nays 21.

YEAS—Messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Caffey, Calloway, Clemens, Clarke, Davis of L. Douglass, Evans, Fletcher, Garrett, Harris, Hefflin, Hendrix, Hill of T. Holstein, Howard, Humphreys, Huntington, Jones of F., Lankford, McCartey, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Morris, Norman, Portis, Reid, Sandidge, Snowden, Steele, Stringer, Sykes, Tate, Taylor, Todd, Trawick, Troup, Whitsitt, Williams of J. and Winston.

NAYS—Messrs. Anderson, Banks, Barron, Davis of B. Dear, Dunn, Griffin, Hill of B. Jackson of b., R. T. Johnston, McAlpin, McLenore, Moore of M. Morrisett, Mudd, Nall, Oliver, Spruill, Storis, Williams of H. and Witherspoon.

The bill to fix permanently the court house of Covington county, was read the second and third times and passed.

The bill to authorize the Judge of the county court of Covington county, to receive certain notes, and for other purposes;

And the bill concerning the payment of fines and forfeitures in the county of Cherokee; were severally read the second and third times and passed.

The bill to require an extra term of the circuit court of Pickens county, was read a second time.

Mr. Huntington moved to strike out "June" and insert "May," which was carried.

The bill was read the third time and passed.

The bill to authorize the formation of a captain's company in De Kalb county:

The bill to fix the pay of jurors and witnesses in the county of Randolph; were severally read the second and third times and passed.

The bill to establish the chancery court in and for the county of Randolph, was read the second time, and referred to the delegations from Benton, Talladega and Randolph.

The bill to authorize Major A. Price to keep in repair a turnpike road therein specified, was read a second time.

Mr. Norman moved to amend by way of substitute, which was adopted, and the bill read a third time and passed.

The bill from the Senate to rescind a certain contract therein described, made between Meshack Turner and the school commissioners of township nineteen, range twenty-five, in Tallapoosa land district, was read a second time.

Mr. Oliver moved to amend by proviso, which was adopted, the bill read a third time and passed.

The bill from the Senate to authorize Abraham Shanklin to emancipate a certain slave therein named, was read a second time.

Mr. McAlpin moved to amend by striking out "two" before thousand, and inserting "one," which was carried.

Mr. Huntington moved to amend by adding at the end of the bill "unless the condition of said bond be forfeited," which was adopted.

The bill was read a third time and passed.

The bill from the Senate in relation to certain escheated property in the county of Dallas.

The bill from the Senate, to compensate the sheriff of Sumter county for ex officio services; and

The bill from the Senate, in relation to the duties of clerks of courts and registers in chancery, in Sumter county, were severally read the second and third times and passed.

The bill to authorize Jacob C. Jordon to remove the property of his infant daughter from Marengo county, in this State, to the State of Kentucky, was read a second and third times and passed.

The bill to confer certain powers and privileges therein contained, was read a second time.

Mr. Huntington moved to lay the bill on the table.

And the House adjourned.

JANUARY 11, 1814.

The House met pursuant to adjournment.

The following message was received from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has adopted the following resolution:

Resolved, (with the concurrence of the House of Representatives) the two Houses will assemble in the hall of the House on Thursday, eleventh instant, at the hour of three o'clock p. m. to elect a State Printer and a Judge of the county court of Dale county.

The Senate has also passed the accompanying bills, entitled as follows:

An act to add a portion of the twenty-sixth to the thirtieth regiment of Alabama militia:

An act to change the time of holding the fall term of the Montgomery circuit court:

An act authorizing the sale of the Tuscumbia, Courtland and Decatur Railroad:

An act to amend the laws in relation to attachments:

An act to change the time of holding the county court of Shelby county:

An act in relation to inquests in certain cases.

An act to incorporate the Tennessee and Coosa Railroad Company:

An act to regulate the advertising of Sheriffs' and Coroners' sales of lands and negroes, in certain counties in this State:

Joint resolutions authorizing the rescission of the contract of sale for section sixteen, township eleven, range one west, in the county of Clark:

Joint resolutions conferring certain powers in the Governor, in relation to the property belonging to the State Bank and Branches:

Joint resolutions in relation to the Penitentiary:

Joint resolutions in relation to manufacturing in the State Penitentiary:

An act to change the time of holding the circuit courts in the ninth judicial circuit:

An act to establish and abolish certain election precincts therein named:

An act to amend an act to mark and run out the lines between the counties of Shelby and Jefferson:

An act to regulate damages upon writs of error and appeal:

An act to regulate the elections by the President and Directors of the Bank of the State of Alabama, and the President and Directors of its Branches,

And an act to incorporate a company for the purpose of manufacturing cotton and woolen goods.

The Senate has also adopted a joint memorial to Congress in rela-

tion to a certain mail route therein named, which originated in the House of Representatives.

Mr. Sykes notified the House that he would move to reconsider the vote in regard to the place of holding the Chancery Court for Dale and Henry counties.

Mr. Norman, from the committee, to which was referred a bill to be entitled an act to amend an act approved February twenty-seventh, one thousand eight hundred and forty-three, with instructions to amend the same, reported an amendment by way of substitute, which was adopted, and the bill read a second time, and ordered to be engrossed for a third reading.

Mr. Norman, from the committee on education, to which was referred the petition of ——— Rogers, of Coffee county, reported, that notwithstanding the committee commiserated her unfortunate condition, yet it would be inexpedient to grant her request, and asked to be discharged from the further consideration of the subject: which was concurred in.

Mr. Norman, from the same committee, to which was referred the petition of Hugh Jones and Noah Focher, reported a bill to pay a certain sum of money therein named, and recommended its passage.

The bill was read the first, second and third times forthwith, and passed.

Mr. Norman, from the same committee, to which was referred so much of the Governor's message as relates to the University, together with a resolution instructing them to inquire into the best mode of securing and preserving the University fund, and also the memorial of the Trustees of the University to be released from the debt due the University of the State of Alabama to the State Bank, reported, that through their chairman they solicited information from the Trustees of the University on several points, and was answered by a partial compliance, but referring for other points of inquiry to a report of the Trustees, and also a second memorial, which would be presented shortly, and which report and memorial, the committee understand is in a message of his Excellency the Governor, now on the Clerk's table, which has been detained from the committee. therefore report the several subjects back to the House, and asked to be discharged from their further consideration.

The report was concurred in.

Mr. Moore of M. from the committee on the State Bank and Branches, to which was referred an act to amend an act for the final settlement of the affairs of the Planters and Merchants Bank of Mobile, reported an amendment by way of substitute, as follows:

A bill for the final settlement of the Planters and Merchants Bank of Mobile, which was read the first and second times.

Mr. Evans moved to strike out the fourth section; which was lost, and the bill was read a third time, and passed.

Mr. Moore of M. from the same committee, laid before the House, in pursuance of a resolution adopted by the House a condensed state-

ment of the liabilities of the members of the present General Assembly.

Mr. Aldridge, from the select committee, to which was referred a bill to change the time of holding certain courts therein named, reported the bill back to the House with amendments, and recommended its passage.

The amendments were adopted, the bill read a third time, and passed.

Mr. Norman, from the judiciary committee, to which was referred the petition of sundry citizens of Greene county, in relation to the publication of Sheriffs' sales, reported a bill to regulate the advertising of Sheriffs' and Coroners' sales within this State, and recommended its passage.

Mr. Webb moved to lay the bill on the table; which was carried.

Mr. Dear, from the committee on propositions and grievances, to which was referred the accounts of John Clancey of the county of Dale for allowance for services therein stated; and the accompanying bill to compensate John Clancey, reported, that the items therein contained are county charges and not State charges.

Mr. Williams of H. moved to lay the report on the table; which was carried.

The bill was read a second time.

Mr. Williams of H. moved to fill the blank with "one hundred;" which was lost.

Mr. Bridges moved to fill the blank with "fifty;" which was carried.

Mr. Griffin moved to refer the bill to the delegation from Montgomery, Henry, and Marshall; which was carried, and the bill was so referred.

Mr. Dear, from the committee on propositions and grievances, to which was referred the petition of Wm. S. Taylor and Judge S. Williams, of the county of Barbour, reported a bill to compensate Wm. S. Taylor and Judge S. Williams, of the county of Barbour, for horses lost in the service of the State, and recommended its passage.

The bill was read the first time, and ordered to a second reading.

Mr. Dear, from the same committee, to which was referred the petition of Doctors Ransom Warren and John S. Corbin, and sundry other citizens of the county of Henry in their behalf; and also the accompanying bill to compensate Doctors Warren and Corbin for services rendered the citizens of Henry county; and also the documents and accounts, reported, that it is inexpedient to grant the prayer of the petitioners.

Mr. Williams of H. moved to lay the report on the table; which was carried.

Mr. Moore of M. moved to lay the bill on the table; which was also carried.

Mr. Dear, from the same committee, to which was referred the petition of messrs Smith and Lewton, of the county of Lauderdale, and

the accompanying account for ironing State prisoners, reported that the items contained in said account, are county charges and not State charges, and asked to be discharged.

The report was concurred in.

Mr. Dear, from the same committee, to which was referred the petition of Thomas J. Harrell and sundry other citizens, of the county of Chambers, and the accompanying documents, reported, that it is inexpedient to grant the prayer of the petitioners, and asked to be discharged.

The report was concurred in.

Mr. Dear, from the same committee, to which was referred the petition of Elam Page, (a colored man) of the city and county of Mobile, and of sundry other citizens of said city and county, in his behalf, reported a bill to compensate a certain slave therein named, and recommended its passage.

The bill was read the first and second times forthwith, and ordered to be engrossed for a third reading.

Mr. Dear, from the same committee, to which was referred the petition of William Watchcock, and of sundry other citizens, of the county of Limestone, reported, that it is inexpedient to grant the prayer of the petitioners.

The report was concurred in.

Mr. Dear, from the same committee, to which was referred the petition of Joseph C. Walker, and sundry other citizens, of the county of Lauderdale, reported, that it is inexpedient to legislate thereon.

The report was concurred in.

The following message was received from His Excellency, the Governor:

EXECUTIVE DEPARTMENT, }
JANUARY 11TH, 1844. }

Gentlemen of the Senate, and House of Representatives:

I have the honor to transmit to your honorable bodies the following named gentlemen, as fit persons as Directors of the Bank of the State of Alabama, to wit: *James Guild, Lincoln Clark, Reuben Searcy, John Duffee, Joel White, James Hogan and J. R. Drish.*

Also, for the Branch Bank at Montgomery, *Nimrod E. Benson, Ab-salam Jackson, Elisha Y. Fair, Hugh W. Henry, John P. Figh, Jeremiah Loftin, Jr. and Barton W. Stone.*

Also, for the Branch Bank at Huntsville, *George Steele, Joseph Rice, Thomas Brandon, Fleming Jordan, George W. Neal, William Echols, and William J. Mastin.*

Also, for the Branch Bank at Decatur, *James M. Comman, Clark T. Barton, Nathan Murphey, John M. Swope, John Hogan, John M. McGaughey, and Paul J. Watkins.*

And also, for the Branch Bank at Mobile, *James S. Deas, Cornelius*

Robinson, Seaborn Travis, Joseph W. Lessense, William P. Gould, David Stodder, and Joseph Wiswell.

Which is respectfully submitted.

[Signed,]

BEN. FITZPATRICK.

Mr. Dear, from the select committee, to which was referred the petition of Solomon Perkins and S. B. Jackson, of the county of Wilcox, reported that the prayer of the petitioners cannot be granted consistently with the constitution of this State, and reported also the following resolution:

Resolved, That this report be referred to the standing committee on county boundaries, with instructions to report to the House a bill to restore to the county of Wilcox its constitutional quantum of territory.

The report was concurred in.

Mr. Walker, from the joint examining committee, laid before the House a condensed statement of the indebtedness of the several counties of this State to the State Bank and Branches.

Mr. Clarke reported a bill to divorce Kirkland Harrison from his wife Harriet Y. Harrison, and also a bill to divorce Wiley Pearce from his wife Sarah Pearce; which were severally read the first, second and third times forthwith and passed.

Mr. Clarke also reported a bill to divorce Cena Cody from her husband William Cody; which was read the first time, and ordered to a second reading.

Mr. Winston, from the committee on privileges and elections, reported a bill to establish and abolish certain election precincts therein named; which was read the first and second time, and further consideration thereof suspended.

Mr. Jackson of B. moved to print one hundred and thirty-three copies of the report made this morning by Mr. Moore of M. showing the indebtedness of the members of the General Assembly, which was carried.

The resolution from the Senate, proposing to go into the election of a Judge for Dale county, and a State Printer, was amended by striking out "three," and inserting "half past six," and as amended concurred in.

A message from the Governor, by Mr. Garrett, informing the House that the Governor had approved an act for the relief of Bridget O'Brien.

Mr. Clemens moved to take up the bill to abolish the separate Chancery court system; which was lost—yeas 33, nays 58.

YEAS—messrs. Aldridge, Bridges, Bryan, Clancey, Clemens, Cobb, Cook, Davis of L. Dear, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hill of B. Holstein, Lankford, McCartey, McMillion of B. McMillion of J. Moore of M. Morris, Morrisett, Mudd, Sandidge, Snowden, Storrs, Taylor, Trawick, Troup and Williams of J.

NAYS—messrs. Alexander, Allen, Anderson, Baldwin, Banks, Barron, Bugbee, Caffey, Calloway, Campbell, Clarke, Davis of B. Douglass, Drane, Dunn, Evans, Hendrix, Hill of T. Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Martin, McAlpin, McGriff, McLemore,

McLeod, Miree, Meriwether, Mitchell, Moore of B. Nall, Norman, Oliver, Owens, Portis, Reid, Rose, Scruggs, Segar, Spruill, Steele, Sykes, Tate Todd, Turner, Walker, Webb, Whitsitt, Winston and Witherspoon.

Mr. Clemens moved for leave to introduce a resolution to rescind the resolutions heretofore adopted by the two Houses, whereby they agreed to adjourn sine die on the fifteenth inst. which was lost—yeas 38, nays 52.

YEAS—messrs. Baldwin, Banks, Bridges, Caffey, Clancey, Clarke, Clemens, Cook, Davis of L. Dunn, Evans, Garrett, Hefflin, Hendrix, Hubbard, Humphreys, Huntington, Jones of F. Lankford, Martin, McAlpin, McCartey, McGriff, McMillion of J. Mitchell, Meriwether, Norman, Oliver, Portis, Sandidge, Scruggs, Snowden, Storrs, Sykes, Tate, Trawick, Troup and Walker.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Barron, Bryan, Bugbee, Calloway, Campbell, Cobb, Davis of B. Dear, Douglass, Drane, Fletcher, Frazier, Griffin, Hancock, Harris, Hill of T. Holstein, Howard, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, Lang, McLemore, McLeod, McMillion of B. Miree, Moore of B. Moore of M. Morris, Mudd, Nall, Owens, Reid, Rose, Segar, Spruill, Steele, Taylor, Todd, Turner, Webb, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon.

The House then took up the bill to raise a revenue for the support of the State Government.

Mr. Clemens moved to lay the bill on the table; which was lost—yeas 15, nays 73.

YEAS—messrs. Clemens, Cobb, Cook, Davis of B. Davis of L. Fletcher, Garrett, Jackson of B. McGriff, McLemore, Morrisett, Owens, Snowden, Storrs and Williams of J.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Barron, Bridges, Bryan, Bugbee, Caffey, Calloway, Clarke, Dear, Douglass, Drane, Dunn, Evans, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, McAlpin, McCartey, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Moore of M. Morris, Mudd, Nall, Norman, Oliver, Portis, Reid, Rose, Sandidge, Scruggs, Segar, Spruill, Steele, Sykes, Tate, Taylor, Todd, Trawick, Troup, Turner, Walker, Webb, Whitsitt, Williams of H. Winston and Witherspoon.

Mr. Winston moved the previous question; which was not sustained—yeas 36, nays 54.

YEAS—messrs. Speaker, Anderson, Baldwin, Barron, Bridges, Clemens, Dunn, Evans, Hubbard, Humphreys, Huntington, Jones of F. Lang, Lankford, McAlpin, McCartey, McLemore, McLeod, Miree, Moore of B. Moore of M. Mudd, Norman, Portis, Sandidge, Sykes, Tate, Taylor, Todd, Trawick, Troup, Turner, Walker, Webb, Winston and Witherspoon.

NAYS—messrs. Aldridge, Alexander, Allen, Banks, Bryan, Bugbee, Caffey, Calloway, Campbell, Clancey, Clarke, Cobb, Cook, Davis of B.

Davis of L. Dear, Douglass, Drane, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, Martin, McGriff, McMillion of B. McMillion of J. Meriwether, Mitchell, Morris, Morrisett, Nall, Oliver, Rose, Scruggs, Segar, Snowden, Spruill, Steele, Storrs, Whitsitt, Williams of H. and Williams of J.

So the House resumed the consideration of the bill.

Mr. Spruill withdrew his amendment.

Mr. Spruill moved to amend by striking out all after the enacting clause, and inserting a substitute.

Mr. Speaker decided the amendment out of order, inasmuch as the House had adopted the first section of the bill.

Mr. Spruill appealed, and the chair was sustained.

Mr. Hubbard moved to amend as follows, to come in after "wherein," section two, to wit:

"By reason of proximity to a city, or town, or navigable water course, any of the lands liable to taxation, shall be of greater value than the class to which by the foregoing section of this bill they would be properly assigned, then such lands so increased in value shall be taxed at their value to be estimated by the owner or person giving in the same.

Mr. Dunn moved to lay the amendment on the table; which was lost—yeas 38, nays 49.

YEAS—messrs. Speaker, Anderson, Baldwin, Banks, Barron, Bridges, Bryan, Bugbee, Dear, Drane, Dunn, Howard, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, McAlpin, McGriff, Meriwether, Mitchell, Morrisett, Nall, Oliver, Owens, Portis, Rose, Scruggs, Snowden, Spruill, Steele, Stringer, Taylor, Todd, Trawick, Turner, Webb, Williams of H. and Witherspoon.

NAYS—messrs. Aldridge, Alexander, Allen, Barker, Caffey, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B. Douglass, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jones of F. Lang, Lankford, Martin, McCartney, McMillion of B. McMillion of J. Moore of M. Morris, Mudd, Norman, Reid, Sandidge, Segar, Storrs, Sykes, Tate, Troup, Walker, Whitsitt and Williams of J.

Mr. Spruill moved to amend the amendment by striking out "or navigable water course;" which was lost.

The amendment of Mr. Hubbard was adopted—yeas 57, nays 28.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Barker, Bridges, Caffey, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Cook, Davis of L. Douglass, Dunn, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jackson of B. Jones of F. Lang, Lankford, Martin, McAlpin, McCartney, McMillion of B. McMillion of J. Moore of M. Morris, Mudd, Nall, Norman, Reid, Sandidge, Segar, Sykes, Tate, Todd, Troup, Walker, Whitsitt, Williams of J. and Winston.

NAYS—messrs. Banks, Barron, Bryan, Bugbee, Dear, Drane, Evans,

Howard, Jackson of A., R. T. Johnston, McGriff, Meriwether, Mitchell, Moore of B. Morrisett, Oliver, Portis, Rose, Snowden, Spruill, Steele, Stringer, Taylor, Trawick, Turner, Webb, Williams of H. and Witherspoon.

The second section of the bill as amended was adopted.

Mr. Martin moved to strike out "twenty-five," in the third section; which was carried—yeas 54, nays 36.

YEAS—messrs. Speaker, Aldridge, Alexander, Banks, Bryan, Caffey, Clancey, Clarke Cobb, Davis of B. Davis of L. Douglass, Drane, Fletcher, Frazier, Griffin, Hancock, Harris, Hefflin, Hill of B. Hill of T. Holstein, Howard, Jackson of A., J. D. Johnson, R. T. Johnston, Martin, McGriff, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Morris, Morrisett, Mudd, Oliver, Portis, Reid, Rose, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Taylor, Trawick, Turner, Williams of H. and Williams of J.

NAYS—messrs. Anderson, Baldwin, Barker, Barron, Bridges, Bugbee, Campbell, Clemens, Cook, Dunn, Evans, Garrett, Hendrix Hubbard, Humphreys, Huntington, Jackson of B. Jones of F., Lang, Lankford, McAlpin, McCartey, McLeod, Moore of M. Nall, Norman, Sandidge, Scruggs, Sykes, Tate, Troup, Walker, Webb, Whitsitt, Winston and Witherspoon.

Mr. Martin moved to fill the blank with "eighteen."

Mr. Moore of P. (Mr. Clemens in the chair) moved to fill the blank with "twenty," which was carried.

Mr. Spruill moved to strike out "thirty," in the third section, and fill the blank with "twenty," which was adopted.

The third section as amended was adopted.

Mr. Martin moved to strike out the fourth section, which was carried—yeas 58, nays 31.

YEAS—Messrs. Alexander, Allen, Anderson, Baldwin, Barker, Bridges, Bugbee, Caffey, Calloway, Campbell, Clarke, Cobb, Davis of B. Davis of L. Douglass, Evans, Fletcher, Garrett, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Jackson of A., Jackson of B., J. D. Johnson, R. T. Johnston, Lankford, Martin, McGriff, McLemore, McLeod, McMillion of J. Meriwether, Mitchell, Moore of B. Morrisett, Mudd, Nall, Oliver, Portis, Reid, Rose, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Taylor, Trawick, Webb, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon.

NAYS—Messrs. Speaker, Aldridge, Banks, Barron, Bryan, Clancey, Clemens, Cook, Dear, Drane, Dunn, Frazier, Griffin, Hancock, Harris, Hubbard, Humphreys, Lang, McAlpin, McCartey, McMillion of B. Miree, Moore of M. Morris, Norman, Sandidge, Sykes, Tate, Todd, Troup, Turner and Walker.

And the House adjourned.

The House met pursuant to adjournment.

Leave being granted by the House, Mr. Dear voted in favor of striking out the fourth section of the bill to raise a revenue for the support of the State Government.

Mr. Hubbard moved to fill the blank in the fourth section:

Sec. 4. *Be it further enacted*, That upon all slaves over ten and under fifty years old, there shall be levied and collected the sum of sixty cents; and upon all slaves under ten, fifteen cents; and upon all free negroes and mulattoes over twenty and under sixty years, two dollars; and upon every deck of playing cards, twenty-five cents; and upon all household furniture over and above three hundred dollars value, twenty cents, upon each hundred dollars value to be estimated upon the oath of the person giving in the same.

Mr. Baldwin moved to lay the amendment on the table, which was lost—yeas 24, nays 53.

YEAS—messrs. Alexander, Bugbee, Caffey, Davis of B. Davis of L. Dear, Douglass, Drane, Evans, Hill of B. Holstein, Howard, Jackson of B. McLemore, Meriwether, Morrisett, Nall, Oliver, Snowden, Steele, Webb, Williams of H. and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Allen, Anderson, Baldwin, Banks, Barker, Barron, Bryan, Calloway Campbell, Clancey, Clarke, Cobb, Cook, Dunn, Fletcher, Frazier, Griffin, Hancock, Harris, Hefflin, Hill of T. Hubbard, Humphreys, J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McAlpin, McCartey, McGriff, McMillion of B. McMillion of J. Miree, Mitchell, Moore of B. Moore of M. Morris, Mudd, Reid, Sandidge, Spruill, Stringer, Sykes, Tate, Taylor, Todd, Troup, Walker, Whitsitt, Williams of J. and Winston.

The question then recurred on Mr. Hubbard's amendment.

Mr. Jackson of B. moved to amend the amendment as follows:

“On all white males over twenty and under fifty, fifty cents.”

Mr. Hubbard moved to lay the amendment on the table, which was carried—yeas 66, nays 16.

YEAS—messrs. Speaker, Aldridge, Alexander, Baldwin, Banks, Barker, Barron, Bryan, Caffey, Calloway, Campbell, Clancey, Clarke, Cobb, Cook, Davis of B. Davis of L. Douglass, Evans, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Jones of F., R. T. Johnston, Lankford, Martin, McCartey, McGriff, McMillion of B. McMillion of Meriwether, Miree, Mitchell, Moore of B. Moore of M. Morris, Mudd, Norman, Owens, Portis, Reid, Sandidge, Segar, Snowden, Spruill, Steele, Stringer, Sykes, Tate, Taylor, Troup, Walker, Williams of H. Williams of J. and Winston.

NAYS—messrs. Anderson, Drane, Dunn, Howard, Jackson of B. Lang, McAlpin, McLeod, Morrisett, Nall, Oliver, Todd, Turner, Webb, Whitsitt and Witherspoon.

Mr. Mudd moved to strike out all after the amendment in relation to the tax on slaves.

Mr. Evans called for a division of the question.

The question was first taken on striking out all over ten and under fifty, which was lost—yeas 39, nays 40.

YEAS—messrs. Alexander, Anderson, Baldwin, Banks, Barker, Bridges, Bugbee, Caffey, Clarke, Davis of B. Davis of L. Dear, Douglass, Drane, Evans, Fletcher, Garrett, Hill of B. Hill of T. Holstein, Howard, Jackson of A. Jackson of B. Jones of F., R. T. Johnston, McLemore, McLeod, Meriwether, Mitchell, Morrisett, Mudd, Nall, Oliver, Snowden, Spruill, Steele, Webb, Williams of H. and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Allen, Barron, Bryan, Calloway, Campbell, Clancey, Cobb, Cook, Dunn, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Hubbard, Humphreys, J. D. Johnson, Lang, Lankford, Martin, McAlpin, McCartey, McGriff, McMillion of B. McMillion of J. Miree, Moore of B. Moore of M. Morris, Norman, Portis, Reid, Rose, Sandidge, Segar, Stringer, Sykes, Tate, Taylor, Todd, Troup, Turner, Walker, Whitsitt, Williams of J. and Winston.

The question was next taken on striking out the second clause, which was carried—yeas 51, nays 36.

YEAS—messrs. Alexander, Allen, Anderson, Baldwin, Banks, Barker, Barron, Bridges, Bryan, Bugbee, Caffey, Davis of B. Davis of L. Dear, Douglass, Drane, Dunn, Evans, Fletcher, Garrett, Hill of B. Hill of T. Holstein, Howard, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, McGriff, McLemore, McLeod, Meriwether, Miree, Mitchell, Morrisett, Mudd, Nall, Oliver, Portis, Rose, Snowden, Spruill, Steele, Stringer, Tate, Taylor, Turner, Webb, Whitsitt, Williams of H. and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Calloway, Campbell, Clancey, Cobb, Cook, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Hubbard, Humphreys, Jones of F. Lang, Lankford, Martin, McAlpin, McCartey, McMillion of B. McMillion of J. Moore of B. Moore of M. Morris, Norman, Reid, Sandidge, Segar, Sykes, Todd, Troup, Walker, Williams of J. and Winston.

Mr. Reid moved to fill the blank with "fifteen cents," which was carried—yeas 47, nays 43.

YEAS—messrs. Speaker, Aldridge, Allen, Barker, Bridges, Calloway, Campbell, Clancey, Clarke, Cobb, Cook, Fletcher, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Hubbard, Humphreys, Huntington, Jones of F., Lang, Lankford, Martin, McAlpin, McCartey, McMillion of B. McMillion of J. Mitchell, Moore of B. Moore of M. Morris, Norman, Reid, Sandidge, Segar, Sykes, Tate, Taylor, Todd, Troup, Turner, Walker, Williams of J. and Winston.

NAYS—messrs. Alexander, Anderson, Baldwin, Banks, Barron, Bugbee, Caffey, Davis of B. Davis of L. Dear, Douglass, Drane, Dunn, Evans, Garrett, Hill of B. Hill of T. Holstein, Howard, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, McGriff,

McLemore, McLeod, Meriwether, Miree, Morrisett, Mudd, Nall, Oliver, Portis, Rose, Snowden, Spruill, Steele, Stringer, Storrs, Webb, Whitsitt, Williams of H. and Witherspoon.

Mr. Moore of M. moved to strike out all in relation to tax on household furniture, which was lost—yeas 27, nays 62.

YEAS—messrs. Alexander, Allen, Anderson, Banks, Bridges, Bugbee, Caffey, Dear, Douglass, Evans, Hill of B. Hill of T. Jackson of B. McLemore, Mitchell, Moore. of M. Norman, Owens, Portis, Sandidge, Segar, Snowden, Storrs, Tate, Troup, Webb and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Baldwin, Barker, Barron, Bryan, Calloway, Campbell, Clancey, Clarke, Cobb, Cook, Davis of B. Drane, Dunn, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Holstein, Howard, Hubbard, Humphreys, Huntington, Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McAlpin, McCartey, McGriff, McLeod, McMillion of B. McMillion of J. Miree, Meriwether, Moore of B. Morris, Morrisett, Mudd, Nall, Oliver, Reid, Rose, Spruill, Steele, Stringer, Sykes, Taylor, Todd, Turner, Walker, Whitsitt, Williams of H. Williams of J. and Winston.

Mr. Moore of P.—Mr. Martin in the chair—moved to strike out “two hundred and fifty,” and insert “three hundred;” which was carried.

Mr. Jackson of B. moved to amend as follows:

“On all white males over twenty-one and under forty-five, thirty-seven and a half cents.”

Mr. Griffin moved to lay the amendment on the table. Yeas 65, nays 21:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Banks, Bryan, Caffey, Calloway, Campbell, Clancey, Clarke, Cobb, Cook, Davis of B. Davis of L. Douglass, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, Martin, McCartey, McGriff, McMillion of B. McMillion of J. Meriwether, Miree, Moore of B. Moore of mad. Morris, Mudd, Norman, Oliver, Portis, Reid, Rose, Sandidge, Segar, Spruill, Steele, Stringer, Storrs, Sykes, Tate, Taylor, Todd, Troup, Walker, Williams of H. Williams of J. and Winston.

NAYS—messrs. Anderson, Baldwin, Barker, Barron, Bridges, Drane, Dear, Evans, Howard, Jackson of B. Lang, McAlpin, McLeod, Mitchell, Morrisett, Nall, Snowden, Turner, Webb, Whitsitt and Witherspoon.

Mr. Spruill moved to amend as follows:

That every owner of a stud horse or jackass kept for breeding, shall pay twenty cents for every hundred dollars value of said stud or jack, to be ascertained by the person giving in the same on oath.

Mr. Hubbard moved to lay the amendment on the table Yeas 48, nays 32:

YEAS—messrs Aldridge, Alexander, Allen, Baldwin, Barron, Bridges, Bryan, Calloway, Campbell, Clancey, Clarke, Cobb, Douglass, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hendrix, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F. Lang, Lankford, Martin,

McAlpin, McCartney, McGriff, McLemore, McLeod, McMillion of B. Miree, Moore of mad. Morris, Norman, Oliver, Owens, Portis, Reid, Rose, Sandidge, Segar, Sykes, Tate, Walker and Witherspoon.

NAYS—messrs. Anderson, Banks, Barker, Bugbee, Caffey, Clemens, Davis of B. Davis of L. Drane, Hefflin, Hill of B. Hill of T. Holstein, Howard, Jackson of B., J. D. Johnson, R. T. Johnston, McMillion of J. Meriwether, Mitchell, Mudd, Snowden, Spruill, Steele, Stringer, Taylor, Todd, Troup, Webb, Whitsitt, Williams of H. Williams of J. and Winston.

Mr. Davis of L. moved to amend as follows:

“On every blooded brood mare kept for the purpose of breeding, shall be levied and collected twenty cents on every hundred dollars value thereof, to be ascertained by the person giving in the same on oath.”

Which was lost.

Mr. Spruill moved to strike out “thirty” in the fifth section, in reference to the tax on merchandise; which was carried.

Mr. Dunn moved to amend as follows, to come in after the word “sold” in the fifth section:

Provided, That the same shall be applicable solely to persons or corporations who employ such moneys or credits for the purpose of profit, and shall not be levied upon persons or corporations, who employ such moneys or credits in any business from which a profit is not derived from the purchase or sale of any such bank bills, domestic or foreign exchange, checks, drafts, or certificates of deposit.

Which was adopted.

Mr. Martin moved that the House do now adjourn until half past six o'clock; which was lost. Yeas 35, nays 50:

YEAS—messrs. Speaker, Alexander, Banks, Barker, Caffey, Calloway, Campbell, Clarke, Clemens, Cook, Davis of B. Davis of L. Douglass, Drane, Fletcher, Hefflin, Hendrix, Holstein, Howard, Humphreys, Jackson of A. Jackson of B. Lankford, Martin, McCartney, McGriff, McMillion of J. Morris, Morrisett, Oliver, Owens, Reid, Rose, Snowden, Stringer, Walker and Winston.

NAYS—messrs. Aldridge, Allen, Anderson, Baldwin, Barron, Bridges, Bryan, Bugbee, Clancey, Cobb, Dunn, Evans, Frazier, Garrett, Griffin, Hancock, Harris, Hill of B. Hill of T. Hubbard, Huntington, Jones of F., J. D. Johnson, Lang, McAlpin, McLemore, McLeod, McMillion of B. Meriwether, Miree, Mitchell, Moore of mad. Mudd, Norman, Portis, Sandidge, Segar, Spruill, Steele, Storrs, Sykes, Tate, Taylor, Todd, Troup, Webb, Whitsitt, Williams of H. Williams of J. and Witherspoon.

Mr. Bridges moved the previous question; which was sustained. Yeas 55, nays 25:

YEAS—messrs. Speaker, Aldridge, Allen, Anderson, Baldwin, Barron, Bridges, Bryan, Calloway, Campbell, Clancey, Clarke, Cobb, Dunn, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of T. Hubbard, Humphreys, Huntington, J. D. Johnson, Lang, Lankford, McAlpin, McCartney McLemore, McLeod, McMillion of B. Miree, Mitchell, Moore of

mad. Morris, Oliver, Owens, Portis, Reid, Rose, Sandidge, Snowden, Spruill, Stringer, Sykes, Tate, Taylor, Todd, Troup, Webb, Whitsitt, Williams of H. Williams of J. and Witherspoon.

NAYS—messrs. Banks, Barker, Bugbee, Caffey, Cook, Davis of B. Davis of L. Dear, Douglass, Drane, Garrett, Holstein, Howard, Jackson of A. Jackson of B. Jones of F., Martin, McMillion of J. Meriwether, Mudd, Norman, Segar, Steele and Storrs.

The main question—shall this bill be ordered to be engrossed for a third reading—was decided in the affirmative. Yeas 55, nays 25:

YEAS—messrs. Speaker, Aldridge, Allen, Anderson, Baldwin, Banks, Barron, Bridges, Bryan, Calloway, Campbell, Clarke, Drane, Dunn, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of T. Hubbard, Humphreys, Huntington, J. D. Johnson, Lang, Lankford, McAlpin, McCarley, McLeod, McMillion of B. Meriwether, Miree, Mitchell, Moore of mad. Morris, Oliver, Owens, Portis, Reid, Rose, Sandidge, Snowden, Spruill, Stringer, Sykes, Tate, Taylor, Todd, Troup, Walker, Webb, Whitsitt, Williams of J. Winston and Witherspoon.

NAYS—messrs. Alexander, Barker, Bugbee, Caffey, Cobb, Cook, Davis of B. Davis of L. Douglass, Garrett, Holstein, Howard, Jackson of A. Jackson of B., Jones of F. Martin, McLemore, McMillion of J. Morrisett, Mudd, Nall, Segar, Steele, Storrs, and Williams of H.

The bill was made the special order for ten o'clock, to-morrow. And then the House adjourned.

NIGHT SESSION, January 11th, 1844.

The House met pursuant to adjournment.

The Senate was invited into the hall of the House, and the two Houses being assembled, proceeded first to elect a Judge of the County Court of Dale county.

The two houses proceeded first, to elect a Judge of the County Court of Dale County.

The names of *Gappa Yelverton* and — *McDonald*, being in nomination:

Mr. Yelverton received one hundred and ten votes, being a majority of all the votes given, was declared by Mr. Speaker duly and constitutionally elected Judge of the County Court of Dale County, for the term prescribed by the constitution.

Those who voted for *Mr. Yelverton*, are messrs. President, Arrington, Bishop, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Moores, Oliver, Phillips, Reese, Toulmin, Walker of B. Walker of L. Walthall, Ward, Watrous, Wilson, Winston and Yancey of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Barker, Barron, Bridges, Bugbee, Caffey, Campbell, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B. Dear, Douglass, Drane, Dunn, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, How-

ard, Hubbard, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McAlpin, McCartney, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Moore of mad. Morris, Mudd, Norman, Oliver, Rose, Sandidge, Snowden, Spruill, Stringer, Storrs, Sykes, Tate, Trawick, Troup, Turner, Walker, Webb, Whitsitt, Williams of H. Winston and Witherspoon of the house—110.

Those who voted for *Mr. McDonald*, are messrs. Bryan, Davis of McLemore, Nall, Portis, Segar, Steele, Taylor and Todd of the house—9.

The two houses next proceeded to elect a State Printer.

The names of *John McCormick*, *M. D. J. Slade*, and *Robert A. Eaton*, being in nomination.

Those who voted for *Mr. McCormick*, are messrs. Bishop, Brindley, Creagh, Fleming, Foster, Hudson, Kelly, Marchbanks, McVay, McClanahan, Toulmin, Walker of B. Walthall, Winston and Yancey of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Bryan, Caffey, Calloway, Clancey, Clemens, Cook, Cobb, Evans, Fletcher, Garrett, Griffin, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Humphreys, Jackson of A. Jones of F. Lang, Lankford, Martin, McCartney, McGriff, McLeod, McMillion of B. McMillion of J. Miree, Moore of B. Moore of mad. Rose, Sandidge, Steele, Stringer, Sykes, Tate, Taylor, Todd, Troup, Walker, Whitsett and Winston of the house—63.

Those who voted for *Mr. Slade*, are messrs. Arrington, Burney, Dent, Dougherty, Hardaway, King, McAlpin, Moores, Oliver, Phillips, Reese, Walker of L. Ward, and Watrous of the Senate; and messrs. Anderson, Baldwin, Banks, Barker, Barron, Bugbee, Campbell, Davis of B. Dear, Drane, Dunn, Howard, Jackson of B. J. D. Johnson, R. T. Johnston, McAlpin, McLemore, Mitchell, Mudd, Nall, Oliver, Segar, Snowden, Spruill, Storrs, Trawick, Turner, Webb, Williams of H. and Witherspoon of the house—45.

Those who voted for *Mr. Eaton*, are messrs. President, and Wilson of the senate; and messrs. Davis of L. Douglass, Frazier, Hancock, Harris, Hill of B. Huntington, Meriwether, Morris, Norman, Portis and Williams of J. of the house—14.

Mr. McCormick having received a majority of all the votes given, was declared by Mr. Speaker, duly elected State Printer, for the term prescribed by law.

The Senate then withdrew, and the House of Representatives proceeded to business.

The bill to consolidate the several acts in relation to the incorporation of the city of Mobile, was amended by the Senate.

The House concurred in the amendments.

The bill from the Senate, incorporating the town of Dayton, in the county of Marengo, was read the first, second and third times forthwith, and passed.

The bill from the Senate, to reduce the compensation of the Sheriff of Tuscaloosa county for attendance on the Supreme court.

The bill from the Senate, to rescind a certain contract for the purchase of a part of the sixteenth section, township nineteen, range three, east, in the county of Talladega;

And the bill from the Senate, to incorporate the town of Girard, in the county of Russell, were severally read the first, second and third times forthwith, and passed.

The bill from the Senate, to explain an act therein named;

And the bill from the Senate, to restrict the corporate limits of the town of Allenton, in the county of Wilcox, and for other purposes, were severally read the first, second and third times, forthwith, and passed.

The question was put on taking up the bill to confer certain privileges upon an association therein named, as an inducement to navigate the Cahawba river with steam power, as a local bill; which was carried—yeas 58, nays 20.

YEAS—messrs. Speaker, Alexander, Baldwin, Barker, Barron, Bridges, Bryan, Caffey, Campbell, Clarke, Cobb, Davis of B. Dear, Douglass, Drane, Dunn, Evans, Fletcher, Frazier, Garrett, Hancock, Harris, Hefflin, Hendrix, Hill of T. Hubbard, Jackson of A. Jones of F., J. D. Johnson, Lang, Lankford, McAlpin, McCartney, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Moore of M. Morris, Mudd, Oliver, Segar, Spruill, Steele, Stringer, Storrs, Sykes, Tate, Taylor, Todd, Trawick, Walker, Webb, Whitsitt, Williams of H. Winston and Witherspoon.

NAYS—messrs. Aldridge, Allen, Banks, Bugbee, Clancey, Calloway, Griffin, Holstein; Howard, Jackson of B. Martin, McLemore, Nall, Norman, Portis, Reid, Rose, Sandidge, Snowden and Troup.

The bill was read the first and second times.

Mr. Davis of L. moved to suspend the rule in order to give the bill a third reading forthwith; which was carried—yeas 72, nays 6.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Barker, Barron, Bridges, Bryan, Bugbee, Caffey, Calloway, Campbell, Clancey, Clarke, Cobb, Davis of B. Douglass, Drane, Dunn, Evans, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Jackson of A. Jones of F. J. D. Johnson, Lang, Lankford, Martin, McAlpin, McCartney, McGriff, McLeod, McMillion of B. McMillion of J. Miree, Mitchell, Moore of M. Morris, Mudd, Oliver, Portis, Reid, Sandidge, Segar, Snowden, Steele, Stringer, Storrs, Sykes, Taylor, Todd, Trawick, Troup, Turner, Walker, Webb, Whitsitt, Williams of H. Winston and Witherspoon.

NAYS—messrs. Howard, Jackson of B. McLemore, Nall, Norman and Spruill.

The bill was read a third time, and passed—yeas 63, nays 11.

YEAS—messrs. Speaker, Alexander, Anderson, Banks, Barker, Barron, Bridges, Bryan, Caffey, Calloway, Campbell, Clarke, Davis of B. Douglass, Dunn, Evans, Fletcher, Frazier, Garrett, Hancock, Harris, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Jackson of A. Jones of F. Lang, Martin, McAlpin, McCartney, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris,

Mudd, Norman, Oliver, Portis, Sandidge, Segar, Snowden, Steele, Stringer, Storrs, Sykes, Taylor, Todd, Trawick, Troup, Turner, Walker, Webb, Whiteitt, Williams of H. Winston and Witherspoon.

NAYS—messrs. Aldridge, Allen, Drane, Griffin, Howard, Humphreys, Jackson of B. McLemore, Nall, Reid and Spruill.

The bill to compensate Robert Fenner and Thomas B. Jones for labor done and performed under executive appointment, was read the first, second and third times forthwith, and passed.

The bill in relation to the rescission of a certain contract of purchase of a part of the sixteenth section, township eleven, range six, in the county of Wilcox, was read the first and second time, and ordered to a third reading.

The bill from the Senate, to provide for taking the census of the State of Alabama for the year eighteen hundred and forty-four, was read a first and second times.

Mr. Jackson of A. moved to amend as follows:

Be it further enacted, That the person in each county taking the census, shall also ascertain and report to the Adjutant and Inspector General of the State, all persons liable to do militia duty.

Which was adopted.

Mr. Norman moved to amend as follows:

Be it further enacted, That the census taker in each county, shall ascertain and report to the Secretary of State the number of colleges and academies in their respective counties; also, the number of common schools, and the number of scholars at such colleges, academies and schools, designating the number of each kind.

Which was adopted, and the bill read a third time, and passed.

The vote was taken on the motion to reconsider the vote on the passage of the bill in regard to the place of holding the chancery court in the district composed of the counties of Dale, Coffee and Henry.

The House refused to reconsider.

On motion of Mr. Baldwin,

Resolved, That the chairman of the select committee on the sixteenth section fund be requested to report back to the House the bill from the Senate, entitled an act to authorize the commissioners of the sixteenth section, township twenty-two, range two, west, in Tuscaloosa land district, in the county of Sumter, to rescind a certain contract therein described.

Mr. Winston, from the select committee, to which was referred the bill to define and establish the county line between the counties of De Kalb and Cherokee, reported the bill back with an amendment, and recommended its passage.

The amendment was adopted, and the bill read a third time and passed.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled,

An act for the relief of Dr. Thomas Moody, of the county of Clarke.

An act in relation to certain escheated property, in the county of Dallas.

Mr. Hefflin, from the select committee, to whom was referred a bill to establish a Chancery court in and for the county of Randolph, reported the same to the House with sundry amendments, and recommended its passage.

The amendments were concurred in, and the bill read a third time, and passed.

Mr. Douglass, from the select committee, to which was referred a resolution in regard to a reduction of the prices of the public lands, reported:

A memorial of the General Assembly of the State of Alabama to the Congress of the United States, requesting a reduction of the price of the public lands within said State.

The memorial was adopted—yeas 62, nays 2.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Barker, Barron, Bryan, Bugbee, Caffey, Calloway, Clancey, Clarke, Cobb, Davis of L. Douglass, Drane, Dunn, Evans, Frazier, Garrett, Hancock, Hefflin, Hendrix, Hill of T. Holstein, Howard, Hubbard, Humphreys, Jackson of B. Jones of F., J. D. Johnson, Lankford, McAlpin, McLeod, McMillion of B. McMillion of J. Mitchell, Moore of M. Nall, Norman, Oliver, Portis, Reid, Rose, Sandidge, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Sykes, Tate, Taylor, Troup, Walker, Whitsitt, Williams of H. and Witherspoon.

NAYS—messrs. Bridges, and McLemore.

Mr. Bridges, from the select committee, to whom was referred the bills relating to assessors in the county of Barbour, reported a substitute, and recommended its passage.

Mr. Mitchell moved to lay the substitute on the table; which was carried.

Mr. Jackson of B. proposed to amend by way of substitute; which was adopted.

Mr. Clarke moved to amend, as follows:

Be it further enacted, That said county Judge and Commissioners may appoint a tax collector of the proper county assessor for such county, when in their opinion a separate assessor is unnecessary.

On motion of Mr. Mitchell, the amendment was laid on the table.

Mr. Aldridge moved to amend, as follows:

Provided, That nothing contained in the foregoing act shall be so construed as to allow the Judges of the county court of Blount county to appoint any assessor in said county.

The amendment was laid on the table.

Mr. Frazier moved to amend by additional section.

Mr. Bridges moved to amend the amendment of Mr. Frazier; which was adopted, and the amendment as amended adopted.

The bill was then ordered to be engrossed for a third reading.

The House resumed the consideration of the bill to reduce the sala-

ries of the President, Directors and other officers of the Bank of the State of Alabama and its several Branches.

Mr. Jackson of B. moved to amend, as follows:

SEC. — *Be it further enacted*, That the President and Directors of the Bank of the State of Alabama and the President and Directors of the several Branches thereof, be, and they are hereby instructed and required to proceed to collect, in the most efficient mode, the debts held by, and due to the State Bank and Branches, respectively classed or marked as good by members of the present Legislature, or believed to be good by said Presidents and Directors of said Bank and Branches, to wit: all special loans denominated and known as business paper, whether negotiable notes or bills of exchange, shall be required to be paid according to contract, or the condition on which the loans were made: that all that class of debts denominated and known as accommodation paper, be collected as follows, viz: One third in the present year, as the same shall become due, and one third in each succeeding year: Further, that said President, and Directors be, and they are hereby required and instructed to collect all other debts due said Bank and Branches with as little delay as possible.

Mr. Hubbard moved the previous question; which was sustained—yeas 37, nays 27.

NAYS—Messrs. Speaker, Alexander, Allen, Barker, Bugbee, Caffey, Campbell, Clancey, Clarke, Cobb, Douglass, Drane, Dunn, Frazier, Garrett, Griffin, Hancock, Hill of T. Hubbard, McAlpin, McMillion of J. Meriwether, Moore of M. Morrisett, Portis, Reid, Sandidge, Segar, Snowden, Stringer, Sykes, Tate, Todd, Troup, Webb and Winston.

NAYS—messrs. Aldridge, Anderson, Baldwin, Banks, Bridges, Bryan, Calloway, Davis of B. Davis of L. Dear, Hefflin, Hendrix, Holstein, Howard, Humphreys, Jackson of A., J. D. Johnson, Lankford, McLemore, McMillion of B. Mitchell, Nall, Rose, Storrs, Taylor, Whitsitt, and Witherspoon.

Mr. Morrisett moved to reconsider the vote just taken.

Mr. Speaker declared the motion out of order; an appeal was taken, and the Chair sustained.

The bill passed—yeas 58, nays 12.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen, Banks, Barker, Barron, Bridges, Caffey, Calloway, Campbell, Clarke, Cobb, Davis of B. Dear, Douglass, Drane, Dunn, Evans, Frazier, Garrett, Griffin, Hancock, Hefflin, Hendrix, Hill of T. Howard, Hubbard, Humphreys, Jackson of A., J. D. Johnson, Lankford, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of M. Morrisett, Oliver, Portis, Reid, Rose, Sandidge, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Sykes, Tate, Taylor, Todd, Troup, Webb, Whitsitt, Winston and Witherspoon.

NAYS—messrs. Anderson, Baldwin, Bryan, Bugbee, Clancey, Davis of L. Holstein, Jackson of B., McAlpin, and Nall.

The bill making appropriations for the year one thousand eight hundred and forty-one, was read a third time and passed.

Mr. Morrisett moved to reconsider the vote just taken.
And the House adjourned.

JANUARY 12, 1844.

The House met pursuant to adjournment.

Leave was granted by the House to Mr. Fletcher to record his vote on the passage of the bill to reduce the salaries of the President and Directors, and the other officers of the Bank of the State of Alabama and its several Branches, and voted "aye."

Messrs. Clancey, Davis of B. and Davis of L. were permitted by the House to change their votes on the passage of the same bill, having voted through mistake.

Each of these voted "aye."

Messrs. Miree, Turner, McCartey, Harris, Moore of B. Jones of F. Mudd, R. T. Johnston, Cook, McGriff, Morris, Huntington, Storrs and Williams of H. were permitted to record their votes also on the passage of the same bill, and each of them voted "aye."

Mr. McMillion, of B. from the committee on enrolled bills, reported as correctly enrolled, the following:

An act entitled an act authorizing the levy of a special tax in the county of Marion: and

Joint memorial to Congress in relation to a certain mail route therein named.

The bill to amend the penal code was read a second time.

Mr. McLemore moved to fill the blank with "two hundred," which was carried.

Mr. Davis of L. moved to amend as follows:

"And be it further enacted, That the Warden may appoint as soon as he may think proper a deputy warden:" which was laid on the table.

The bill was read a third time and passed.

Mr. Cobb presented a petition from sundry citizens of St. Clair county; which was referred to the committee on propositions and grievances.

The bill from the Senate to authorize the citizens of Autauga county to locate a court house, was read the first, second and third times forthwith and passed.

Mr. Williams of H. from the select committee to which was referred the bill to compensate John Chancey, an officer of the county of Dale, reported the bill back to the House, and recommended its passage.

The bill was read a third time and passed.

Mr. McLemore offered joint resolutions in relation to a certain mail route:

Mr. Huntington moved to amend as follows:

"And that the Post office at Tuscaloosa he made a distributing office;" which was adopted.

Mr. Walker moved to amend as follows:

"And also to establish a line of four horse coaches to be run three times a week between Courtland and Tuscaloosa;" which was adopted.

Mr. Hendrix moved to amend as follows:

"And also a tri-weekly route from Elyton to Cedar Bluff, via Ashville and Turkeytown;" which was adopted.

Mr. Moore of M. from the committee on the State Bank and Branches, to which was referred the bill the better to define the duties of the President and Directors of the State Bank and Branches, reported the following amendment:

Strike out "a majority of" in the first section; also *provided*, that the said notes or bills which may be taken in renewal of any existing debt, shall be held as collateral security only; and no existing liability of any person to any of said Banks, shall be given up, until said debt or debts shall be paid."

The House resumed the consideration of the bill to raise a revenue for the support of the State Government.

Mr. Hubbard moved the previous question, which was sustained—yeas 64, nays 20.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Baldwin, Barron, Bridges, Bryan, Bugbee, Calloway, Campbell, Clarke, Clemens, Cobb, Douglass, Drane, Evans, Fletcher, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of T. Hubbard, Humphreys, Huntington, Jones of F., J. D. Johnson, Lang, Lankford, McAlpin, McCartey, McGriff, McLemore, McMillion of B. McMillion of J. Miree, Moore of B. Moore of M. Morris, Oliver, Owens, Portis, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Spruill, Stringer, Sykes, Tate, Taylor, Todd, Troup, Turner, Walker, Webb, Whitsitt, Williams of H. and Witherspoon.

NAYS—messrs. Banks, Barker, Caffey, Cook, Davis of B. Davis of L. Dear, Garrett, Hill of B. Holstein, Howard, Jackson of A. Jackson of B, R. T. Johnston, Meriwether, Morrisett, Mudd, Nall, Steele and Williams of J.

The main question—shall this bill pass?—was decided in the affirmative—yeas 56, nays 34.

YEAS—Messrs. Speaker, Aldridge, Allen, Anderson, Banks, Barron, Bridges, Bryan, Calloway, Campbell, Clarke, Evans, Fletcher, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Hubbard, Humphreys, Huntington, J. D. Johnson, R. T. Johnston, Lang, Lankford, McAlpin, McCartey, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of B. Moore of M. Morris, Portis, Reid, Sandidge, Segar, Spruill, Steele, Stringer, Sykes, Tate, Taylor, Todd, Trawick, Troup, Turner, Walker, Webb, Whitsitt, Williams of J. Winston and Witherspoon.

NAYS—messrs. Alexander, Baldwin, Barker, Bugbee, Caffey, Clancy, Clemens, Cobb, Cook, Davis of B. Davis of L. Dear, Douglass, Drane, Garrett, Hill of B. Hill of T. Holstein, Howard, Jackson of

A. Jackson of B. Martin, McGriff, McLemore, Morrisett, Mudd, Nall, Oliver, Owens, Rose, Scruggs, Snowden, Storrs and Williams of H.

Mr. Morrisett moved to reconsider the vote on the passage of the bill to reduce the salaries of the President, Directors and other officers of the Bank of the State of Alabama, and its several Branches, which was lost—yeas 21, nays 63.

YEAS—messrs. Baldwin, Bridges, Bryan, Bugbee, Clarke, Clemens, Davis of B. Davis of L. Evans, Garrett, Howard, Jackson of B., Martin, Meriwether, Morrisett, Mudd, Nall, Rose, Storrs, Taylor and Whitsitt.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen, Banks, Barker, Barron, Caffey, Calloway, Campbell, Clancey, Cobb, Dunn, Douglass, Drane, Fletcher, Frazier, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jones of F., R. T. Johnston, Lang, McAlpin, McCartey, McGriff, McLemore, McMillion of B. McMillion of J. Miree, Mitchell, Moore of B. Moore of M. Morris, Oliver, Owens, Portis, Reid, Sandidge, Scruggs, Segar, Snowden, Spruill, Steele, Stringer, Sykes, Tate, Todd, Trawick, Troup, Turner, Walker, Webb and Williams of H.

The House resumed the consideration of the joint resolutions proposing a change of the Constitution so as to have biennial sessions of the Legislature, the question pending on the amendment offered by Mr. Rose.

The hour of twelve having arrived, Mr. Cobb moved to suspend the rule, requiring the House to take up the orders of the day, which was carried.

Mr. Huntington then moved the previous question, which was sustained—yeas 53, nays 33.

YEAS—messrs. Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Barker, Calloway, Campbell, Clancey, Cobb, Cook, Davis of L. Douglass, Evans, Fletcher, Frazier, Hancock, Harris, Hefflin, Hill of B. Hill of T. Hubbard, Huntington, Jones of F., J. D. Johnson, R. T. Johnston, Martin, McAlpin, McCartey, McGriff, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of B. Moore of M. Morris, Mudd, Norman, Reid, Sandidge, Scruggs, Snowden, Spruill, Stringer, Sykes, Tate, Taylor, Todd, Trawick, Troup, Turner, Whitsitt and Witherspoon.

NAYS—Messrs. Speaker, Barron, Bridges, Bryan, Bugbee, Caffey, Clarke, Clemens, Dear, Drane, Garrett, Hendrix, Holstein, Howard, Humphreys, Jackson of A. Jackson of B. Lang, Lankford, McLemore, Miree, Morrisett, Oliver, Owens, Portis, Rose, Segar, Steele, Storrs, Walker, Webb and Williams of H.

The main question—shall these joint resolutions be ordered to be engrossed for a third reading?—was decided in the affirmative—yeas 77, nays 14.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Baldwin, Barker, Bugbee, Caffey, Calloway, Campbell, Clancey, Clarke, Cobb,

Davis of B. Davis of L. Dear, Douglass, Drane, Evans, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Huntington, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McCartey, McGriff, McLemore, McMillion of B. McMillion of J. Miree, Moore of B. Moore of M. Morris, Morrisett, Mudd, Nall, Norman, Oliver, Owens, Portis, Reid, Sandidge, Scruggs, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Sykes, Tate, Taylor, Trawick, Troup, Turner, Walker, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon.

NAYS—messrs. Banks, Barron, Bridges, Bryan, Clemens, Cook, Dunn, Humphreys, Jackson of B. McAlpin, Meriwether, Mitchell, Todd and Webb.

The following amendment of Mr. Frazier was cut off by the previous question:

That the following amendment to the Constitution of the State of Alabama be proposed to the people of said State, which when agreed to by a majority of all the citizens of said State voting for Representatives, and ratified by two thirds of each House of the next General Assembly voting by yeas and nays, shall be valid to all intents and purposes whatever, as a part of the constitution of the State of Alabama, to wit:

Strike out the words "one year," in the second section of the third article of the Constitution, and insert in lieu thereof "two years." Strike out the word "year," in the third section of the third article, and insert in lieu thereof "two years." Strike out the word "three," in the twelfth section of the third article, and insert in lieu thereof the word "two." Strike out all of the thirteenth section of the third article after the word "year," in the seventh line. Strike out the words "shall annually," in the fourteenth section of the third article, and insert in lieu thereof the words "when assembled shall."

And be it further resolved, That it shall be the duty of each officer holding the next general election at each and every precinct in the several counties in this State, to ask each and every voter the following question, to wit: "Are you in favor of amending the constitution as to have a session of the General Assembly once in two years or not?" and shall cause the respective clerks to write the word "yea" on the ticket of every voter who votes in the affirmative, and the word "nay" on the tickets of those who answer in the negative; and shall cause a correct count to be made of the yeas and nays so taken, which shall be certified and sent from the several precincts to the court house, or place of comparing the poll, in each county; and the sheriff and managers composing the polls, shall also make out a correct statement of the yeas and nays, certify the same, and forward it to the office of Secretary of State, within thirty days after the next general election.

And be it further resolved, That each sheriff or officer holding the election at any precinct in this State, failing or refusing to perform the duties herein prescribed, shall be subject to a fine of five hundred dollars, and also liable to the penalties for not making returns of general elections.

Mr. Frazier, from the select committee, to which was referred the petition of Drury Roberts, reported a bill for the relief of Drury Roberts; which was read the first, second and third times and passed.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

An act to compensate Clement C. Clay and J. Withers Clay for certain services therein named:

An act in relation to costs of prosecutions in criminal cases in Mobile county.

The bill from the Senate, reported by the judiciary committee, to authorize the commissioners of sixteenth section, township twenty-two, range two west, Tuscaloosa land district, in the county of Sumter, to rescind a certain contract therein named, was read a third time and passed.

The question was then taken on the motion to reconsider the vote on the bill for the relief of Mildred Fitzpatrick.

The House refused to reconsider.

The engrossed bill to authorize the filing of bills in chancery, in certain cases, was read a third time and passed.

The engrossed bill for the relief of overseers, was read a third time.

Mr. Huntington moved to amend by way of engrossed ryder, which was lost.

Mr. Baldwin moved to amend by way of engrossed ryder, as follows, which was adopted.

Be it further enacted, That an entire contract made by an overseer with his employer, may be apportioned if the said overseer is prevented by death or other unavoidable cause, without default of said overseer from executing the same; and in case of such death, the representatives of such overseer, or if the contract from some other cause be not literally complied with, then the overseer himself may recover an account of such contract such compensation, as under all the circumstances of the case, may be just and reasonable.

The vote was then taken on the passage of the bill, which was lost—yea 34, nays 35.

YEAS—Messrs. Speaker, Aldridge, Alexander, Anderson, Baldwin, Banks, Barker, Calloway, Clarke, Cobb, Cook, Douglass, Frazier, Hancock, Harris, Hefflin, Hill of T. Howard, Huntington, Lankford, Martin, McCartney, McGriff, McLemore, Moore of M. Mudd, Reid, Sandidge, Scruggs, Segar, Steele, Stringer, Turner and Webb.

NAYS—Messrs. Barron, Bridges, Bryan, Bugbee, Caffey, Campbell, Clancey, Davis of L. Drane, Dunn, Garrett, Griffin, Hendrix, Holstein, Humphreys, Jackson of B. Jones of F. Lang, McAlpin, Meriwether, Miree, Mitchell, Nall, Oliver, Portis, Rose, Snowden, Spruill, Taylor, Trawick, Troup, Whitsitt, Williams of H. Williams of J. and Wither-
spoon.

And the House adjourned.

AFTERNOON SESSION, January 12th, 1844.

The House met pursuant to adjournment.

Mr. Banks moved to take up the bill to reduce the per diem of members of the Legislature, which motion was lost.

The bill to authorize a loan of a portion of the two per cent. fund to the Montgomery and West Point Railroad Company, was read the first and second times.

The question was taken on Mr. Hubbard's amendment, which was adopted.

Mr. Rose moved to amend as follows:

"Provided, The real estate mortgaged shall not be situated in any city or town."

Mr. McLemore moved to lay the amendment on the table, which was carried.

Mr. Cook moved to strike out "six" and insert "eight."

A division of the question was called for, and the question was first taken on striking out "six," which was lost.

Mr. Griffin moved to suspend the rule, in order to give the bill a third reading forthwith, which was carried.

The bill was then read the third time and passed—yeas 55, nays 30.

YEAS—messrs. Speaker, Aldridge, Allen, Anderson, Barron, Bryan, Bugbee, Caffey, Calloway, Campbell, Clarke, Clemens, Cobb, Dear, Drane, Dunn, Fletcher, Frazier, Garrett, Griffin, Hancock, Hendrix, Holstein, Hubbard, Humphreys, Jackson of B. Jones of F. Lang, Lankford, Martin, McAlpin, McLemore, McLeod, McMillion of B. Moore of B. Moore of M. Morrisett, Nall, Norman, Oliver, Portis, Reid, Sandidge, Scruggs, Segar, Steele, Stringer, Tate, Taylor, Todd, Walker, Webb, Williams of H. Williams of J. Winston and Witherspoon.

NAYS—messrs. Alexander, Banks, Barker, Bridges, Clancey, Cook, Davis of B. Davis of L. Douglass, Evans, Harris, Hefflin, Hill of T. Howard, Huntington, Jackson of A., J. D. Johnson, R. T. Johnston, McCartey, McMillion of J. Miree, Meriwether, Mitchell, Morris, Mudd, Rose, Spruill, Troup, Turner and Whitsitt.

The bill from the Senate, to incorporate the Tennessee and Coosa rail road company, was read the first and second times forthwith, and passed.

The bill to attach a part of the county of Greene to the county of Perry, was read third time forthwith and passed Yeas 50, nays 32:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Bryan, Caffey, Calloway, Clancey, Clemens, Cobb, Davis of L. Douglass, Evans, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Humphreys, Jackson of A. Jones of F. Lankford, Martin, McCartey, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Moore of B. Morris, Portis, Reid, Rose, Sandidge, Steele, Stringer, Sykes, Tate, Taylor, Todd, Troup, Williams of J. and Winston.

NAYS—messrs Anderson, Banks, Barker, Bugbee, Campbell, Clarke, Davis of B. Dear, Drane, Fletcher, Hale, Howard, Jackson of B., J. D. Johnston, R. T. Johnston, McAlpin, McLemore, Mitchell, Moore of N. Morrisett, Mudd, Nall, Oliver, Scruggs, Segar, Spruill, Storrs, Walker, Webb, Whinsitt, Williams of H. and Witherspoon.

Mr. Howard introduced joint resolutions in relation to the proceeds of the sales of the public lands:

Whereas, the State of Alabama as one of the members of this Union, is entitled to all the rights and benefits arising under the administration of the same; and whereas, the Government of the United States, at the first session of the twenty-seventh Congress, by an act approved fourteenth September, A. D., one thousand eight hundred and forty-one, appropriated the proceeds of the sales of the public lands, and provided thereby with a certain proviso therein named, that said proceeds should be divided among the twenty-six States of the Union, and the District of Columbia, and the Territories of Wisconsin, Iowa and Florida, according to their respective Federal representative population, as ascertained by the last census, to be applied by the Legislatures of said States to such purposes as the said Legislatures may direct: And whereas, according to the deeds of cession and the constitution of the United States, said act of Congress is constitutional: And whereas, the State of Alabama in accepting her share of said proceeds will receive that which is due her as a sovereign State.

And whereas, it is more in accordance with the honesty, patriotism and sovereignty for a State to accept her own than refuse so to do, upon the ground that such acceptance will corrupt her free and independent people, as the people of the United States are known to be by the written constitution of their several States, and the constitution of the United States, and by their act from the day of the declaration of Independence to the present time: And whereas, it is the policy of the state of Alabama, from the great embarrassment in her finances, to resort to every legitimate source of revenue, whether from that source is derived much or little, to redeem her pledges, and to defray the expenses of her Government. Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it is expedient for the Legislature of this state to pass a law providing for the acceptance of the proceeds of the sales of the public lands according to the aforesaid act of Congress.

The House refused to adopt the resolution. Yeas 28. nays 56.

YEAS—messrs. Anderson, Banks, Barker, Bugbee, Campbell, Davis of B. Dear, Drane, Dunn, Hale, Hendrix, Howard, Jackson of B., J. D. Johnston, R. T. Johnston, McAlpin, McLemore, Mitchell, Morrisett, Mudd, Nall, Oliver, Scruggs, Spruill, Storrs, Webb, Williams of H. and Witherspoon.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen, Bridges, Bryan. Coffey, Calloway, Clarke, Clemens, Cobb, Cook, Davis of L. Evans, Fletcher, Frazier, Garrett, Hancock, Harris, Hefflin, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jackson of A. Jones of

F. Lang, Lankford, Martin, McCartney, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Moore of M. Morris, Norman, Portis, Reid, Rose, Sandidge, Segar, Steele, Stringer, Sykes, Tate, Taylor, Todd, Troup, Walker, Whitsitt, Williams of J. and Winston.

Mr. Jones of F., introduced a joint memorial to Congress in relation to the interest on the two per cent. fund; which was read and adopted.

Mr. Clemens, from the select committee on the sixteenth section fund, reported back sundry bills and resolutions, and asked to be discharged from their consideration, inasmuch as the early day fixed for the adjournment of the Legislature would prevent said committee from acting on the same.

The engrossed bill to alter the mode of selecting grand jurors in the county of Dallas, Perry, Tallapoosa, Tuscaloosa and Barbour.

The engrossed bill to change the time of holding the circuit courts in the sixth judicial circuit,

And, the engrossed bill to amend the provisions of an act to prevent the sacrifice of real estate, were severally read the third times and passed.

Mr. Williams of H. from the committee on enrolled bills, reported as correctly enrolled,

An Act to legalize the sale of lots in the town of Columbia, in Henry county, and for other purposes.

An act to declare the Patsaliga river a public highway,

And an act to change the time of holding the commissioners court of roads and revenue in the county of Marion.

Mr. Storrs, from the same committee, reported as correctly enrolled,

An act to incorporate the Greensboro Cavalry Company:

An act to attach a portion of the eighteenth regiment in Tuscaloosa county to the seventeenth regiment:

An act to authorize the duties of clerks of the Circuit and County courts of Washington county to be performed by the same person:

An act to repeal an act entitled an act to alter and amend the road laws as to the county of Marion:

An act to restore James Patterson of the county of Franklin, to citizenship:

And, an act to annex to the city of Montgomery a piece of land therein described.

The engrossed bill to amend the statute of limitations, was read the third time.

And then the House adjourned.

NIGHT SESSION, JANUARY 12th, 1844.

The House met pursuant to adjournment.

Mr. Snowden, from select committee, to which was referred the petition of Jacob Merrill, reported:

A bill for the relief of Jacob Merrill, of the county of Covington; which was read the first, second and third times, and passed.

The engrossed bill more particularly to define the county line between Henry and Barbour counties, was read the third time and passed.

Engrossed bill to change the time of holding the county court of Pike county, was read the third time and passed.

Engrossed bill to extend the powers of the town commissioners in De Kalb county, was read the third time and passed.

Engrossed bill in relation to the sixteenth section fund, in the county of Bibb, was read the third time and passed.

The engrossed bill in relation to summoning defaulters, in the county of Butler, was read the third time and passed.

The bill from the Senate, in relation to the rescission of a certain contract of purchase of the sixteenth section in Wilcox county, was read the third time.

Mr. Bridges moved to amend by an additional section, as follows:

“That Joseph Rivers, Henry C. Braden and James Compton, purchasers of parts of the sixteenth section in township eleven and range eleven, in Wilcox county, be, and they or either of them, are hereby authorized to rescind their contract for the same, upon obtaining the consent in writing, of a majority of the qualified voters in said township, and upon a rescission of said contract or contracts as aforesaid, the said purchaser or purchasers shall be entitled to receive the notes given for said land from the Bank or person, where the same be deposited by presenting a certificate from the commissioners, that said contract has been rescinded in pursuance of this act and upon the rescission as aforesaid, the said lands shall reinvest in the inhabitants of said township in the same manner as if they had never been sold.”

Which was adopted, and the bill passed.

The engrossed bill to change the time of holding the times of the several circuit courts in the second judicial circuit, was read a third time and passed.

The engrossed bill to compensate the commissioners of roads and revenue in Pike county:

The engrossed bill to establish a Medical Board in Eufaula, in the county of Barbour.

The engrossed bill to divorce Emily Susan Snipes from her husband Jeremiah Snipes:

The engrossed bill for the relief of Margaret M. Carter; were severally read the third time and passed.

The engrossed bill to emancipate certain slaves therein named.

Mr. McAlpin moved to amend by way of engrossed rider; which was adopted and the bill read the third time and passed.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled, an act for the relief of Milly Sample:

An act to authorize William Spear, and his associates to erect a toll bridge across the Conecuh river:

An act to authorize a portion of the citizens of Henry county to form a beat or volunteer company with a less number than forty privates:

And an act to authorize the sheriff of Walker county to perform constables' business:

Engrossed bill to incorporate the Tennessee and Cousa rail road company, was laid on the table.

Engrossed bill to authorize the levy of a special tax in the county of Fayette for the support of paupers;

And the engrossed bill for the relief of Mary Davis; were severally read the third time and passed.

The engrossed bill for the relief of James C. Durham and Malcolm McBride, was read the third time and passed.

Mr. McLemore moved to amend by way of engrossed ryder; which was adopted, and the bill passed.

The engrossed bill to provide more permanently for the payment of jurors for Lowndes county:

The engrossed bill to compensate Doctor's White and Paulin for medical services rendered State prisoners in Henry county jail:

Engrossed bill to change the time of holding the fall term of the Circuit court of Pike county for the year one thousand eight hundred and forty-four:

Engrossed bill to change the time of holding the County court of Dallas county, and for other purposes:

Engrossed bill to change the time of holding the Circuit court of the county of Perry:

The engrossed bill for the support of paupers in the county of Pike:

Engrossed bill for the relief of Richard Locke:

Engrossed bill to change the time of holding the Circuit and County courts in the county of Limestone:

Engrossed bill to authorize the election of a justice of the peace for town of Warrenton; were severally read the third time and passed.

The engrossed bill to authorize the commissioners court of roads and revenue in the counties of Barbour, Henry and Franklin, to levy additional taxes, and for other purposes was read the third time.

Mr. Webb moved to amend by way of engrossed ryder, which was adopted, and the bill passed.

The engrossed bill to provide for the better maintenance of the poor in Dallas county.

The engrossed bill to amend the laws in relation to the service of civil process in the county of Russell.

And the engrossed bill to incorporate the congregation of Israelites of Sarah Shamayen, in the city of Mobile, were severally read the third time and passed.

The bill to confer certain powers and privileges therein contained.

The bill to incorporate the Alabama military and scientific institute, in the town of Eufaula, in the county of Barbour.

The bill to incorporate the trustees of the female academy in the town of Eufaula, in the county of Barbour, were severally read the second and third times forthwith, and passed.

The bill to authorize the clerks of certain counties to issue licenses, in vacation, was read a second time.

Mr. McAlpin moved to amend by adding the following counties, Mobile, Bibb, Monroe, Chambers, Barbour, Cherokee, St. Clair, Marion,

Henry, Fayette, Randolph, Pike, Lauderdale, De Kalb, Russell, Washington, Butler, Marshall, Blount and Jefferson; which was adopted, and the bill read a third time and passed.

The bill to rescind the contract for the sale of the, north half of the sixteenth section, township sixteen, range twenty-eight, in Russell county, was read the second and third times forthwith and passed.

The bill to divorce Wiley Pearce from his wife Sarah Pearce,

And the bill to divorce Cena Cody, from her husband William Cody, were severally read the second and third times forthwith and passed.

The bill to repeal in part, an act regulating the drawing of jurors as to the county of Fayette.

And the bill to authorize the commissioners of the sixteenth section, township seventeen, range seventeen, to employ a teacher, were severally read the second and third times, and passed.

The bill for the relief of Mary E. Montgomery, was read the second time.

Mr. Hale moved to amend, which was adopted, and the bill read the third time and passed.

The bill to change the name of a certain person therein named, was read the second time, and laid on the table.

The bill to authorize the rescission of a certain contract therein named, was read the second time.

Mr. Spruill moved to amend, which was adopted, and the bill read the third time and passed.

The bill to establish the Mobile racing association, was read the second time and lost; the House refusing to order it to a third reading.

The bill to regulate the working of the roads in the county of Barbour, was read the second and third times forthwith, and passed.

The bill to regulate the advertising of Sheriffs, Coroners, and Registers in Chancery, and Administrators sales of lands and negroes, in certain counties therein named, was read the second time.

Mr. Baldwin moved to amend; which was adopted, and the bill was read the third time and passed.

The bill to change the time of holding the county court of Coffee county, was read the second and third times and passed.

Joint resolutions in regard to a portion of the sixteenth section, township twelve, range twenty-three, in the county of Pike, was read the second and third times and passed.

The bill for the relief of Milley Burton and others, was read the second and third times and passed.

The bill for the relief of Justices of the Peace in the city of Tuscaloosa, and for other purposes, was read the second time.

Mr. Banks moved to suspend the rules in order to give the bill a third reading forthwith; which was carried, and the bill read a third time and passed.

The bill for the relief of Isaiah J. Kirksey, was read the second and third times and passed.

The bill to vest in Charlotte Marler, wife of H. Marler, certain privileges therein named, and for other purposes, was read the second and third times and passed.

The bill to authorize the tax collector of the county of Covington to receive jury certificates only in payment of taxes, was read the second and third times and passed.

The bill to incorporate the Trustees of the Bishop's fund of the Protestant Episcopal church in the Diocese of Alabama, was read the second and third times and passed.

The bill for the relief of Drury S. Allen, was read the second time and lost; the House refusing to order it to a third reading—yeas 28, nays 36.

YEAS—messrs. Speaker, Baldwin, Bridges, Davis of B. Douglass, Dunn, Evans, Frazier, Garrett, Hale, Howard, Humphreys, Lang, McAlpin, McGriff, McLemore, Miree, Moore of B. Portis, Rose, Snowden, Storrs, Taylor, Todd, Turner, Walker, Webb, and Williams of H.

NAYS—messrs. Aldridge, Alexander, Allen, Banks, Barron, Bugbee, Caffey, Campbell, Davis of L. Drane, Fletcher, Griffin, Hancock, Harris, Hendrix, Hill of T. Holstein, Hubbard, Jackson of A., Jackson of B., J. D. Johnson, Lankford, McCartey, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of M. Morris, Norman, Sandidge, Segar, Spruill, Steele, Trawick, Troup and Whitsitt.

Joint resolutions for the relief of Hudson W. Nelson, tax collector of Shelby county, was read the second and third times and passed.

The bill to change the time of holding regimental musters in the counties of Fayette and Marion, was read the second time.

Mr. Snowden moved to amend; which was carried, and the bill read a third time and passed.

The bill to authorize Elias Persinger and his associates to construct a wharf on the Black Warrior river, opposite the town of North Port, was read the second time.

Mr. Meriwether moved to amend; which was adopted.

Mr. Banks moved to suspend the rule and give the bill a third reading forthwith; which was carried, and the bill read a third time and passed.

The bill to establish by law, muster day in the ninth division, Alabama militia, and for other purposes, was read a second time.

Mr. Portis moved to amend; which was carried.

Mr. Hendrix moved to strike out the fourth section; which was carried, and the bill read a third time and passed.

A bill to incorporate the Claiborne Female Academy, in the county of Monroe, was read a first, second and third times forthwith and passed.

The bill to authorize the citizens of Autauga county to locate a seat of justice for said county, was read the second time and laid on the table.

The bill to fix the time for regimental reviews in the sixteenth brigade, Alabama militia, and for other purposes, was read the second and third times and passed.

And the House adjourned.

JANUARY 13th, 1844.

The House met pursuant to adjournment.

Mr. J. D. Johnson introduced a bill to authorize an election to be held in the town of Vienna, in Pickens county, which was read the first, second and third times forthwith and passed.

Mr. Clemens introduced joint resolutions, in relation to the public lands; which were read and laid on the table.

Mr Hale introduced a bill to authorize Robert McKee, administrator of Wm. McKee, late of Greene county, to dispose of the goods, wares, and merchandise at private sale; which was read the first, second and third times and passed.

Mr. Segar presented the petition of Wm. Duke, tax collector of Russell county; which was referred to the committee on ways and means.

A message from the Governor, by Mr. Garrett, Secretary of State.

Mr. Speaker—His Excellency, the Governor has approved bills of the following titles, to wit:

An act to incorporate the Greensborough Cavalry Company:

An act to attach a portion of the eighteenth regiment, in Tuscaloosa county, to the seventeenth regiment:

An act to restore James Patterson, of the county of Franklin, to citizenship:

An act to authorize the duties of Clerks of the circuit and county courts of Washington county to be performed by the same person:

An act to repeal an act entitled an act to alter and amend the road laws as to the county of Marion:

An act to change the time of holding the commissioners' court of roads and revenue for the county of Madison:

An act to legalize a sale of lots in the town of Columbia, in Henry county:

An act to annex to the city of Montgomery, a piece of land therein named:

An act to authorize the levy of a special tax in the county of Marion:

An act to authorize a portion of the citizens of Henry county to form a beat or volunteer company with a less number than forty privates:

An act for the relief of Milly Sample:

An act to authorize Wm Spear and his associates to build a toll bridge across the Conecuh river:

An act to authorize the Sheriff of Walker county to do Constable's business:

Which bills originated in this House.

Mr. Moore of M. moved to take up the bill from the Senate to reduce the salaries of the President, Directors and other officers of the Bank of the State of Alabama and its several Branches; which was carried—yeas 60, nays 16.

YEAS—messrs. Speaker, Alexander, Anderson, Baldwin, Banks, Barron, Bridges, Catley, Calloway, Clancey, Clemens, Cook, Davis of B. Davis of L. Douglass, Dunn, Evans, Fletcher, Griffin, Hancock, Hill of T. Holstein, Humphreys, Huntington, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, Lang, McGriff, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of M. Morris, Mudd, Nall, Norman, Portis, Rose, Sandidge, Scruggs, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Sykes, Tate, Troup, Walker, Webb, Whitsitt, Williams of H. Williams of J. and Wither-
spoon.

NAYS—messrs. Aldridge, Allen, Banks, Barker, Bryan, Bugbee, Campbell, Garrett, Harris, Hefflin, Hendrix, Howard, Hubbard, Jackson of E. Lankford, McCarty and Reid.

Mr. Huntington asked leave to record his vote on the passage of the bill to authorize a loan of a portion of the two per cent. fund to the Montgomery and West Point Rail Road company, which was granted, and he voted "nay."

Mr. Sykes was permitted to record his vote on the same bill, and voted "aye."

Mr. Huntington recorded his vote on the passage of Mr. Howard's joint resolutions. He voted "nay."

Mr. Hubbard, from the committee on federal relations, to which was referred certain resolutions and declarations adopted by a convention of delegates from States and Territories of the West and South, held in Cincinnati, in July, one thousand eight hundred and forty-three, relating to the occupation of the Oregon Territory by the United States, have had the subject under consideration, and have instructed me to report the following resolution, and ask its adoption:

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the State of Alabama will support the United States in extending our jurisdiction over all parts or portions of the American continent, which may of right belong to us, whether by conquest, treaty, or purchase.

The House adopted the resolution.

Mr. Hubbard, from the same committee, to which was referred resolutions of the State of Georgia, on the subject of resolutions of the State of Massachusetts, have had the same under consideration, and have instructed me to report the following resolution, and recommend its passage:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the State of Alabama will support the State of Georgia in all proper and needful enactments intended to enable the State of Georgia to sustain herself against aggressions upon her rights of sovereignty, among which, we

hold the right to pass laws preventing the egress of free negroes into her territory.

The House adopted the resolution.

Mr. Hubbard, from the same committee, to which was referred certain resolutions of the State of Massachusetts, proposing to change the constitution of the United States, in such manner as to deprive the slave-holding states of their present proportion of representatives in Congress, have had the same under consideration, and instructed to report the following resolves, and respectfully ask their passage.

The General Assembly of the State of Alabama, will in no event give countenance to the proposition of Massachusetts. The provision proposed to be stricken from the constitution contains within it the terms upon which the Union was formed, and any attempt now to change it, and thereby disturb the confederacy ought not to be made. Alabama views all such attempts as evidences of bad faith on the part of a sister state having a direct tendency to weaken the bond of mutual interest and good feeling, which has hitherto bound us together. Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the proposition of Massachusetts, so to change the constitution of the United States, is considered inadmissible by the people of Alabama.

Mr. Howard moved to amend as follows:

Be it resolved further, First, that our Senators in Congress be instructed, and our Representatives requested, to use their utmost exertions against the proposed amendment of the Constitution of the United States, to exclude the representation of "three-fifths of all other persons."

Second, And be it further resolved, that it be made the duty of His Excellency, to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

Which was adopted, and the resolutions as amended were adopted.

Mr. Hubbard reported back sundry other resolutions, &c., from other States, which had been referred to the committee on Federal relations, and asked to be discharged from their further consideration.

Ordered, that the committee be discharged.

The report of the Adjutant General, J. G. Carroll, was received, read, and referred to the committee on the military.

Mr. McMillion of B. from the committee on enrolled bills, reported as correctly enrolled,

An act to confer certain privileges upon an association therein named, as an inducement to navigate the Cahawba river with steam power.

An act to authorize the citizens of Autauga county, to locate a seat of justice for said county.

An act to incorporate the town of Girard, in the county of Russell.

An act to authorize the commissioners of roads and revenue together with the county judge, to levy a tax for the building of a court house in the county of Russell.

An act to regulate the fees of the judge of the county court of Monroe county.

An act to regulate the pay of tales jurors in the county of Benton.

An act incorporating the town of Union Springs, in the county of Macon.

Joint resolutions in relation to sixteenth section debtors.

Joint resolutions rescinding a certain contract therein named.

Joint resolutions proposing to change the constitution so as to have biennial sessions of the General Assembly were read the third time.

Mr. Cobb moved the previous question which was sustained. Yeas 55 nays 28:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Barker, Barron, Calloway, Campbell, Clancey, Cobb, Cook, Davis of L. Douglass, Fletcher, Griffin, Hale, Hancock, Harris, Hefflin, Hill of B. Hill of T. Hubbard, Huntington, Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McCartney, McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris, Mudd, Norman, Owens, Reid, Sandidge, Scruggs, Spruill, Stringer, Sykes, Tate, Troup, Walker, Webb, Whitsett, Williams of J. Winston and Wither-spoon.

NAYS—messrs. Bridges, Bryan, Bugbee, Caffey, Clarke, Clemens, Davis of B. Frazier, Garrett, Hendrix, Holstein, Howard, Humphreys, Jackson of A. Jackson of B. McAlpin, McLeod, McMillion of B. Nall, Oliver, Portis, Rose, Segar, Snowden, Steele, Storrs and Williams of H.

The main question—Shall these resolutions pass?—was now taken, and decided in the affirmative.

Mr. Bugbee moved to suspend the rules in order to enable him to introduce resolutions to rescind the resolutions heretofore adopted, to adjourn sine die, on the fifteenth instant, so as to protract the session until the seventeenth; which was carried. Yeas 51, nays 33:

YEAS—messrs. Speaker, Alexander, Baldwin, Banks, Barker, Bridges, Bugbee, Caffey, Campbell, Clancey, Clarke, Clemens, Cobb, Cook, Davis of L. Douglass, Dunn, Evans, Frazier, Garrett, Hancock, Harris, Hefflin, Hendrix, Hill of T. Hubbard, Humphreys, Huntington, Jackson of B. Jones of F. Lankford, Martin, McAlpin, McCartney, McGriff, McLeod, McMillion of J. Meriwether, Mitchell, Morris, Morrisett, Mudd, Norman, Portis, Sandidge, Snowden, Storrs, Sykes, Tate, Whitsett, Williams of J. and Winston.

NAYS—messrs. Aldridge, Allen, Barron, Bryan, Calloway, Davis of B. Drane, Fletcher, Griffin, Hale, Hill of B. Holstein, Howard, Jackson of A., J. D. Johnson, R. T. Johnston, Lang, McLemore, McMillion of B. Moore of M. Oliver, Reid, Rose, Scruggs, Segar, Spruill, Steele, Stringer, Troup, Walker, Webb, Williams of H. and Wither-spoon.

Mr. Bugbee then offered the following resolution, viz:

Resolved, That with the concurrence of the Senate, the joint resolutions heretofore adopted providing for the adjournment of the two Houses of the General Assembly on the fifteenth instant, be rescinded, and that the said two Houses will adjourn on the seventeenth instant.

Mr. Barron moved to lay the resolution on the table which was lost.—Yeas 30, Nays 50.

YEAS—messrs. Aldridge, Anderson, Barron, Bryan, Calloway, Drane, Fletcher, Griffin, Hale, Hill of B. Howard, Jackson of A., J. D. Johnson, R. T. Johnston, Lang, McLemore, McLeod, McMillion of B. Moore of M. Nall, Oliver, Rose, Scruggs, Segar, Spruill, Steele, Walker, Webb, Williams of H. and Witherspoon.

NAYS—messrs. Speaker, Alexander, Allen, Banks, Barker, Bridges, Bugbee, Caffey, Campbell, Clancey, Clemens, Cobb, Cook, Davis of B. Davis of L. Douglass, Evans, Garrett, Hancock, Harris, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jackson of B. Jones of F., Lankford, Martin, McAlpin, McCartney, McGriff, McMillion of J. Meriwether, Mitchell, Morris, Mudd, Portis, Reid, Sandidge, Snowden, Storrs, Sykes, Tate, Troup, Whitsitt, Williams of J. and Winston.

Mr. Williams of H. from the committee on enrolled bills reported, as correctly enrolled;

An act to consolidate the several acts of incorporation of the city of Mobile, and to alter and amend the same.

The House proceeded to the consideration of bills from the Senate.

The bill from the Senate to change the time of convening the General Assembly of the state of Alabama, was read the first time.

Mr. Fletcher moved to lay the bill on the table; which was lost, and it was ordered to a second reading.

The engrossed bill to amend the charter of the town of Marion in Perry county, was read, and the amendments of the Senate concurred in.

Joint resolutions from the Senate in relation to the arrest of Amos Kendall, late Post Master General of the United States in a judgment in favor of Messrs. Stockton & Stokes were read.

Mr. Clemens moved to lay them on the table, which was carried.—Yeas 54, Nays 25.

YEAS—messrs. Speaker, Aldridge, Allen, Anderson, Baldwin, Banks, Barker, Barron, Bryan, Bugbee, Caffey, Calloway, Campbell, Clemens, Cobb, Cook, Davis of B. Drane, Dunn, Fletcher, Griffin, Hale, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Jackson of B., Martin, McAlpin, McGriff, McLemore, McMillion of B. Meriwether, Mitchell, Moore of M. Morrisett, Mudd, Nall, Oliver, Reid, Scruggs, Segar, Snowden, Spruill, Storrs, Sykes, Walker, Webb, Williams of H. Williams of J. Winston and Witherspoon.

NAYS—messrs. Alexander, Clarke, Davis of L. Douglass, Evans, Frazier, Garrett, Harris, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F. Lankford, McCartney, McMillion of J. Morris, Norman, Portis, Rose, Sandidge, Steele, Tate, Troup and Whitsitt.

Mr. Aldridge moved to take up the bill to reduce the per diem of members of the General Assembly; which was lost.

The bill from the Senate to authorize the investment of the United States Treasury notes, being a part of the two per cent. fund, in United States stocks, was read the first and second times.

Mr. McLemore moved to amend, as follows: strike out the second section, and insert:

And be it further enacted, That the United States stock provided

to be purchased in the first section of this bill, be held subject to the provisions of a bill entitled an act to amend an act to authorize a loan of a portion of the two per cent. fund to the Montgomery and West Point rail road company; and that the same shall be transferred and paid over to the Montgomery and West point rail road company, to the Tennessee and Coosa rail road company, in such amounts as may be applied for in accordance with the provisions of said bill; which amendment was adopted, and the bill read a third time and passed.

The engrossed bill for the relief of the citizens of township fifteen, range eight east, in the county of Benton.

Amendments by the Senate concurred in.

The bill from the Senate, to change the time of holding the circuit court of the second judicial circuit, was read the first time and ordered to a second reading.

The joint resolutions from the Senate, authorizing a rescission of the contract of sale for section sixteen, township eleven, range one west, in the county of Washington, was read the first, second and third times forthwith and passed.

The bill from the Senate, to change the time of holding the circuit courts of the ninth judicial circuit, was read the first and second times, and referred to the judiciary committee.

Engrossed bill from the Senate, to regulate damages on appeals and writs of error, was read the first time and lost; the House refusing to order it to a second reading.

The bill from the Senate, to fix the time of holding the circuit court in the third judicial circuit, was read the second time, and referred to the judiciary committee.

Engrossed bill from the Senate, to provide for a full and equitable assessment of taxes for the city of Mobile, was read the first, second and third times and passed.

Engrossed bill from the Senate, to incorporate a company for the purpose of manufacturing woolen and cotton goods, was read the first time and ordered to a second reading.

Joint resolutions from the Senate, relative to manufactures within the State Penitentiary, were read and adopted.

Joint resolutions from the Senate, in relation to the State Penitentiary, were read the first time, and ordered to a second reading.

The bill from the Senate, to establish certain election precincts, was read the first and second times, and referred to the committee on privileges and elections.

Mr. Huntington, from the select committee, to which was referred so much of the Governor's message as relates to the preservation of the faith and credit of the State, with instructions to draft a series of joint resolutions, reported, joint resolutions in relation to the preservation of the faith and credit of this State; which was read and adopted.

Engrossed bill from the Senate, to amend an act for the final settlement of the Planters and Merchants Bank of Mobile.

Engrossed bill from the Senate, to authorize and require the President and Directors of the Branch Bank at Huntsville, to consummate a certain contract, was read the first, second and third times, and passed.

Engrossed bill from the Senate, to amend an act entitled an act to run and mark out the line between the counties of Shelby and Jefferson, was read the second and third times and passed.

Engrossed bill from the Senate to authorize the court of roads and revenue of Lawrence county to levy a tax, was read the first, second and third times and passed.

Mr. Williams of H., from the committee on enrolled bills, reported as correctly enrolled,

An act to divorce Irvin Register from his wife Mary Register:

An act to incorporate the Lafayette, Mechanics Literary and Benevolent association:

An act for the relief of Larkin Poe:

An act to require an extra term of the circuit court of Pickens county:

And act for relief of James Burroughs from the purchase of a certain sixteenth section, in the county of Clarke.

The bill from the Senate, to regulate the pay of Bank Attorneys, was read the first and second times.

Mr. Jackson of B. moved to amend as follows:

Be it further enacted, That the President and Directors of the Bank of the State of Alabama and the several Branches thereof, be, and they are hereby instructed and required to collect all debts now due said Bank and Branches respectively, and all other debts or claims held by, and due said Bank or Branches, against individuals or companies without distinction, as the same shall or may fall due, and in the most effectual mode practicable.

Mr. Hubbard moved to lay Mr. Jackson's amendment on the table, which was lost—yeas 34, nays 42.

YEAS—Messrs. Speaker, Alexander, Barron, Caffey, Campbell, Clancey, Clarke, Davis of L. Douglass, Drane, Dunn, Fletcher, Frazer, Griffin, Hancock, Harris, Hubbard, Lang, McAlpin, McCarty, Meriwether, Mitchell, Moore of M. Morris, Nall, Norman, Sandidge, Steele, Tate, Troup, Webb, Whitsitt, Williams of H. and Williams of J.

NAYS—Messrs. Aldridge, Allen, Baldwin, Banks, Bridges, Bryan, Calloway, Clemens, Cobb, Davis of B. Evans, Hale, Heflin, Hendrix, Hill of B. Hill of T. Holstein, Howard, Humphreys, Huntington, Jackson of A. Jackson of B., Jones of F., J. D. Johnson, R. T. Johnston, Lankford, Martin, McGriff, McLemore, McMillion of B. McMillion of J. Morrisett, Mudd, Portis, Reid, Segar, Snowden, Spruill, Sykes, Turner, Walker, Winston and Witherspoon.

Mr. Jackson of A. moved to amend as follows:

Provided, That they shall not institute proceedings against parties if they believe the collection of the debt endangered thereby."

Mr. Clemens moved to lay the amendment to the amendment on the table; which was carried.

Mr. Clemens moved to insert "thirty-three and a third per cent of" before "all," and "good" before "debts" in the amendment of Mr. Jackson of B.: which was carried.

Mr. Hendrix moved to insert "not less than before" "all;" which was adopted.

Mr. Morrisett moved to insert "annually," before "thirty three and a third;" which was adopted.

And the House adjourned.

AFTERNOON SESSION, January 13, 1844.

The House met pursuant to adjournment.

Mr. McLemore moved to take up the bill making appropriation for the payment of sheriffs, jailers, &c., which was carried—yeas 74, nays 9.

YEAS—messrs Speaker, Alexander, Allen, Banks, Barker, Barron, Bridges, Bryan, Bughee, Caffey, Calloway, Campbell, Clarke, Cobb, Cook, Davis of B. Davis of L. Douglass, Drane, Dunn, Evans, Fletcher, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Hefflin, Hendrix, Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jones of F. Lang, Lankford, Martin, McAlpin, McCartney, McGriff, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Mitchell, Moore of M. Morris, Mudd, Nall, Norman, Oliver, Owens, Reid, Sandidge, Scruggs, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Tate, Troup, Turner, Walker, Webb, Whitsett, Williams of H. Williams of J. Winston and Witherspoon.

NAYS—messrs Clemens, Howard, Jackson of A. Jackson of B. J. D. Johnson, Morrisett, Portis, Rose and Sykes.

The House disagreed to the amendment of the Senate, striking out the appropriation to James Owens, Isaac Rutherford and Archibald Rutherford.

The House concurred in the other amendments of the Senate.

Mr. Evans, from the committee on accounts, reported a bill making appropriations for the payment of certain claims against the State; which was read the first and second times.

Mr. Mudd moved to amend by adding "and fifty dollars to H. G. P. Britain."

Mr. Hendrix moved to lay the amendment on the table; which was carried.

Mr. Winston moved to amend by adding "and also seventy-two dollars to John Hill, commissioner of Coosa river;" which was lost.

Mr. Griffin moved to amend by adding "and also thirty dollars to Montgomery Gilbreth;" which was laid on the table.

The bill was read a third time and passed.

Mr. Evans, from the committee on accounts, reported a bill for the

relief of James Griffin; which was read the first, second and third times and passed.

Mr. Evans, from the committee on accounts, to which was referred the accounts of Logan D. Brandon, S. S. Houston, Morrison and Cook, and Wm. R. Agee, reported that it was inexpedient to allow them.

Mr. Howard moved to lay the report on the table, which was carried.

Mr. Howard moved to suspend the business before the House in order that he might have leave to introduce a bill to compensate Wm. R. Agee and others; which was lost.

The bill from the Senate to authorize the transfer of cases from the orphans' court to the chancery court, in certain cases, was read the first, second and third times and passed,

The bill from the Senate, to amend an act to incorporate the Mobile Navigation and Insurance Company, was read the first and second times.

Mr. McAlpin moved to amend as follows:

"Provided, That the stockholders shall be responsible for the amount of their stock respectively, and no more, any law to the contrary, notwithstanding;" which was adopted.

The bill was read a third time and passed.

The bill from the Senate, to authorize Wm. McGee to open a certain road therein named, was read the first, second and third times and passed.

Mr. McMillion of B. reported as correctly enrolled:

An act incorporating the town of Dayton, in Marengo county:

And an act to incorporate the Claiborne Female Seminary, in Monroe county:

Mr. J. D. Johnson reported as correctly enrolled:

An act to compensate Robert Fenner and Thomas B. Jones for labor done and performed under Executive appointment:

An act to rescind a certain contract for the purchase of a part of the sixteenth section, township nineteen, range three east, in Talladega county:

An act to authorize Abraham Shanklin to emancipate a certain slave therein named:

And an act to rescind a certain contract therein described.

The House resumed the consideration of the bill to regulate the pay of Bank Attorneys—the question pending on the following amendment, offered by Mr. Clemens:

"Provided, That no extension shall be allowed upon loans made after resolutions adopted at the last session of the Legislature, directing that no further loans should be made."

Mr. Banks moved the previous question; which was sustained. Yeas 41, nays 39.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Banks, Barker, Barron, Caffey, Campbell, Chancey, Davis of B. Davis of L. Douglass, Drane, Dunn, Fletcher, Frazier, Griffin, Hancock, Hill of T.

Hubbard, Huntington, Jones of F., Martin, McAlpin, McCartney, McGriff, McLemore, McMillion of B. Miree, Moore of M. Norman, Reid, Sandidge, Scruggs, Steele, Storrs, Tate, Troup, Webb, Williams of H. and Williams of J.

NAYS—messrs. Anderson, Baldwin, Bridges, Bryan, Bugbee, Calloway, Clarke, Cobb, Evans, Franks, Garrett, Hale, Harris, Hefflin, Hendrix, Hill of B. Holstein, Howard, Jackson of A. Jackson of B. J. D. Johnson, R. T. Johnston, Lankford, McMillion of J. Morris, Morrisett, Mudd, Nall, Oliver, Portis, Segar, Snowden, Spruill, Stringer, Sykes, Whitsitt and Witherspoon.

The main question—shall this bill be ordered to a third reading?—was decided in the affirmative. Yeas 63, nays 18.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Banks, Barker, Barron, Caffey, Calloway, Campbell, Clancey, Cobb, Davis of B. Davis of L. Douglass, Drane, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Huntington, Jones of F., Lankford, Martin, McCartney, McGriff, McLemore, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris, Mudd, Norman, Owens, Reid, Rose, Sandidge, Scruggs, Steele, Storrs, Sykes, Tate, Troup, Turner, Webb, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon.

NAYS—messrs. Anderson, Baldwin, Bridges, Bryan, Bugbee, Dunn, Howard, Jackson of A., Jackson of B., J. D. Johnson, R. T. Johnston, McAlpin, Nall, Oliver, Portis, Snowden, Spruill and Walker.

Mr. Mudd moved to take up the bill from the Senate to create a Board of Control for the Bank of the State of Alabama and Branches, which was carried. Yeas 73, nays 10.

YEAS—messrs. Speaker, Aldridge, Allen, Anderson, Baldwin, Banks, Barron, Bridges, Bryan, Bugbee, Caffey, Calloway, Campbell, Clarke, Cobb, Davis of B. Davis of L. Drane, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hancock, Hefflin, Hill of T. Holstein, Howard, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnson, Lang, Lankford, Martin, McAlpin, McCartney, McGriff, McLemore, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris, Morrisett, Mudd, Oliver, Portis, Reid, Rose, Sandidge, Segar, Snowden, Spruill, Steele, Sykes, Tate, Troup, Turner, Walker, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon.

NAYS—messrs. Alexander, Barker, Douglass, Dunn, Harris, Hill of B. Hubbard, Norman, Scruggs, Storrs, and Webb.

And the House adjourned.

NIGHT SESSION, January 13, 1844.

The House met pursuant to adjournment,
And on motion of Mr. McLemore, took up the message from the Senate.

The bill from the Senate to authorize Richard Prince to erect a gate on the public road in Greene county, near Jones' Bluff, was amended by the Senate.

The House concurred in the amendment.

The bill from the Senate, authorizing the rescission of a contract of sale of a part of a certain sixteenth section, in Shelby county, was read the first, second and third times and passed.

The bill from the Senate, to change the time of holding the county court of Shelby county, was read the first, second and third times and passed.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

An act regulating the proceedings of Justices' courts in the county of Randolph:

An act to change the time of holding the county court of Russell county:

An act to levy a special tax in Franklin county:

An act to authorize Charles McCardin and his associates to build and enjoy a fish trap, at the Weduska shoals, in Coosa river:

An act to alter and amend an act incorporating the city of Wetumpka, and establishing a city court therein, passed the thirtieth January, one thousand eight hundred and thirty-nine:

An act for the support of paupers in the county of Shelby:

An act for the relief of Mary Milly Barton, and others:

An act relating to the duties of clerks of courts and registers in chancery, in Sumter county:

An act to restrict the corporate limits of the town of Allenton, in Wilcox county, and for other purposes:

An act to compensate the sheriff of Sumter county, for ex officio services:

An act to explain an act therein named: and

An act to reduce the compensation of the sheriff of Tuscaloosa county, for attendance on the Supreme court.

The bill from the Senate, for the benefit of Lewis Bishop of the county of Talladega, was read the first and second times.

Mr. Moore of P. (Mr. Spruill in the chair) moved to amend as follows, viz:

"*Provided*, The privileges granted by this act shall not apply to the county of Talladega;" which was adopted.

Mr. Dunn moved to amend, which was laid on the table.

The resolutions offered by Mr. Taylor, on the subject of Congressional representation, which were postponed until the thirteenth instant, and made the special order for six o'clock, Mr. Speaker (Mr. Spruill in

the chair) decided that their consideration was not suspended by the determination of the House, to take up messages from the Senate.

Mr. Clemens appealed from the decision of the Chair.

The question—shall the decision of the Speaker stand as the decision of the House?—was decided in the affirmative. Yeas 43, nays 38.

YEAS—Messrs. Anderson, Banks, Barron, Bridges, Bugbee, Caffey, Calloway, Cook, Davis of B. Dear, Drane, Dunn, Evans, Frazier, Griffin, Hale, Hancock, Harris, Hill of B. Howard, Jones of F., J. D. Johnson, Lang, McAlpin, McCartey, McLemore, McMillion of J. Mitchell, Morris, Morrisett, Mudd, Nall, Oliver, Portis, Scruggs, Segar, Snowden, Spruill, Storrs, Walker, Webb, Williams of H. and Witherspoon.

NAYS—Messrs. Speaker, Aldridge, Alexander, Allen, Barker, Bryan, Campbell, Clancey, Clarke, Clemens, Cobb, Davis of L. Douglass, Fletcher, Garrett, Hefflin, Hendrix, Hill of T. Holstein, Huntington, Jackson of A., Jackson of B., Lankford, Martin, McGriff, McLeod, McMillion of B. Meriwether, Miree, Moore of M. Reid, Rose, Sandidge, Steele, Stringer, Tate, Troup and Winston.

The resolutions of Mr. Taylor were therefore now before the House.

Mr. Cook moved to lay them on the table; which was carried. Yeas 47, nays 38.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Bryan, Clancey, Clarke, Cobb, Cook, Davis of L. Douglass, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Huntington, Jackson of A. Jones of F. Lang, Lankford, McCartey, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Moore of mad. Morris, Mudd, Reid, Rose, Sandidge, Steele, Stringer, Tate, Troup, Turner, Williams of J. and Winston.

NAYS—messrs. Anderson, Baldwin, Banks, Barker, Barron, Bridges, Bugbee, Caffey, Calloway, Campbell, Clemens, Davis of B. Dear, Drane, Dunn, Evans, Hale, Howard, Jackson of B., J. D. Johnson, Martin, McAlpin, McLemore, Mitchell, Morrisett, Nall, Oliver, Portis, Scruggs, Segar, Snowden, Spruill, Sykes, Storrs, Walker, Webb, Whitsitt, Williams of H. and Witherspoon.

The House resumed the consideration of the bill for the relief of Lewis Bishop, of the county of Talladega.

The bill was read the third time and passed.

The bill from the Senate, to establish a board of Physicians of the county of Chambers:

The bill from the Senate, to add a part of the twenty-sixth to the thirtieth regiment of Alabama militia, were severally read the first, second and third times and passed.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency, the Governor, has approved bills of the following titles:

An act to require an extra term of the county court of Pickens county:

An act for the relief of Larkin Poe:

An act to incorporate the La Fayette Mechanics Literary and Benevolent Association:

An act to levy a special tax in Franklin county:

An act to authorize Charles McCardin and his associate to build and enjoy a fish trap at the Weduska shoals in the Coosa river:

An act for the relief of James Burroughs from the purchase of a certain sixteenth section, in the county of Clarke:

An act to alter and amend an act incorporating the city of Wetumpka, and establishing a city court therein, passed thirtieth January, one thousand eight hundred and thirty-nine:

An act to divorce Irvin Register from his wife Mary Register:

An act to change the time of holding the county court of Russell county:

Joint resolutions in relation to sixteenth section debtors:

An act to authorize the commissioners court of roads and revenue to levy a tax to pay for the building of a court house in Russell county:

An act to authorize Joseph Maharry to erect gates across a certain road therein named:

An act to legalize the fees of the judge of the county court of Monroe county:

An act to regulate the proceedings in justices courts in the county of Randolph:

And an act to regulate the pay of tales jurors in the county of Benton:

Which bills originated in the House of Representatives.

The amendments of the Senate, to the bill to raise a revenue for the support of the State Government, were concurred in.

The bill for the relief of Polly Rosser, was read the first, second and third times and passed.

Mr. Bridges moved to amend the caption by adding " wife of Daniel Rosser."

The bill for the relief of the citizens of township sixteen, range seven, east, in the county of Benton:

The bill for the relief of the representatives of Robert Williamson, deceased:

The bill to authorize the commissioners of roads and revenue of the counties of Montgomery, Bibb and Chambers, to levy a special tax—were severally read the first, second and third times and passed.

The bill from the Senate, to change the time of holding the fall term of the Montgomery circuit court, was read the first and second times, and referred to the committee on the judiciary.

The bill from the Senate, to incorporate the town of Sumterville, in Sumter county:

And the bill for the benefit of the Military Academy, at Eufaula—were severally read the first, second and third times and passed.

The bill from the Senate, to be entitled an act to explain an act passed thirteenth February, one thousand eight hundred and forty-three, declaring Chattooga river a public highway, was read the first, second and third times and passed.

A message from the Senate:

Mr. Speaker—The Senate has passed bills of the following titles, which originated in the House of Representatives:

An act for the relief of Sarah Ann Black;

A bill to be entitled an act to repeal the law incorporating the town of Clayton, in Barbour county;

A bill to be entitled an act in relation to the fees of certain officers in Barbour county;

Joint resolutions for the relief of Isaac Swan, tax collector of Sumter county;

A bill to be entitled an act to authorize the Judge of county court and commissioners of roads and revenue of Randolph county, to levy a special tax;

A bill to be entitled an act concerning the administration of the estate of William S. Chapman, deceased;

A bill entitled an act to alter and amend the patrol law now in force in certain counties therein named.

A bill entitled an act to require the clerks of certain counties therein named to make out and keep reversed indexes, to the several books of their offices;

A bill entitled an act to incorporate La Fayette, in Chambers county;

A bill entitled an act to secure the records of the Orphans' court in Dale county;

Also, bills of the following titles, which originated in the Senate:

An act for the relief of Jesse Howard and John Agnew;

A bill entitled an act to incorporate the Rocky Mount Academy, in the county of Lowndes;

In which they respectfully ask the concurrence of the House.

The bill from the Senate, explanatory of a revenue act passed in January, one thousand eight hundred and forty-four:

The bill from the Senate, to authorize Jacob C. Jordan to remove the property of his infant daughter, from the county of Marengo in this State, to the State of Kentucky;

The bill from the Senate, to authorize W. W. Frierson to receive and receipt for the balance due the late Quarter Master General.

The bill from the Senate, to change the time of holding the county court of Lowndes county;

The bill from the Senate, to amend the charter of the town of Gainesville, in the county of Sumter;

The bill from the Senate, in relation to the rescission of a certain contract of purchase of a part of the sixteenth section, township twelve, range fifteen, in Wilcox county;

The bill from the Senate, to change the time of holding the commissioners court, in the counties of Cherokee and Madison—were severally read the first, second and third times and passed.

Mr. McMillion of B. from the committee on enrolled bills reported as correctly enrolled:

An act to locate permanently the county site for the county of Cherokee, and for other purposes.

The bill from the Senate, authorizing James Nance to remove the settlement of the estates of Lundy Lee and Pleasant Lee, from the county.

of Dallas, to the county of Pickens, was read the first, second and third times and passed.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed the bill from the House to be entitled an act authorizing the filing of bills of chancery in certain cases, and has amended the same by striking out of the sixth and seventh lines therein, the words “not less than one hundred dollars,” in which the concurrence of the house is requested.

The amendment of the Senate was concurred in.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

An act to provide for taking the census of the state of Alabama for the year one thousand eight hundred and forty-four, and for other purposes:

An act to incorporate the Jackson county guards:

An act for the more effectual preservation of the arms of the State in charge of the first volunteer Regiment of Alabama militia, and for other purposes:

And also a joint memorial to the Congress of the United States on the subject of the pre-emption laws.

The bill from the Senate, for the relief of Jesse Howard and James Agnew, was read the first and second times forthwith.

Mr. Jackson of B. moved to lay the bill on the table; which was lost.

Mr. Fletcher moved to amend as follows:

And be it further enacted. That the Governor is hereby authorized to remit the fine imposed upon David S. Black, upon a conviction for an assault with intent to kill, upon one Andrew J. Garner, in the circuit court of Morgan county at the March term thereof, one thousand eight hundred and forty-four; which was adopted. Yeas 53, nays 9.

YEAS—messrs Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Barker, Bryan, Bugbee, Caffey, Campbell, Clancey, Cobb, Davis of B. Davis of L. Dear, Douglass, Dunn, Fletcher, Garrett, Griffin, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Huntington, Jackson of A. Jones of F., J. D. Johnson, Lang, Lankford, Martin, McAlpin, McCarty, McMillion of B. McMillion of J. Moore of mad. Morris, Nall, Portis, Reid, Sandidge, Scruggs, Segar, Snowden, Steele, Tate, Turner, Walker, Williams of H. Williams of J. and Winston.

NAYS—messrs. Banks, Evans, Howard, Jackson of B., Mitchell, Spruill, Storrs, Webb, and Whitsitt.

The bill was read the third time and passed Yeas 52, nays 9.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Barker, Bryan, Caffey, Campbell, Clarke, Cobb, Davis of B. Davis of L. Douglass, Dunn, Fletcher, Frazier, Garrett, Griffin, Harris, Hefflin, Hendrix, Hill of B. Hill of T. Holstein, Humphreys, Huntington, Jackson of A. Jones of F. Lang, Lankford, Martin, McAlpin, McCarty, McMillion of B. McMillion of J. Moore of mad. Morris, Portis, Reid, Sandidge, Scruggs, Snowden, Steele, Troup, Turner, Walker, Williams of H. Williams of J. and Winston.

NAYS—messrs. Banks, Hale, Howard, Hubbard, Jackson of B. Mc-Lemore, Mitchell, Spruill, and Storrs.

A message from the Senate, by Mr. Couch:

Mr. Speaker—The Senate concurs in all the amendments made by the House to a bill from the Senate, entitled, An act to reduce the salaries of the President, Directors, and other officers of the Bank of the State of Alabama, and its several Branches, except the thirteenth section, which they have stricken out, and have amended the twelfth section as therein shown.

In which the concurrence of the house is requested.

The House concurred in the amendments.

The following message was also received from the Senate:

Mr. Speaker—The Senate has passed bills of the following titles:

An act for the relief of Charles G. McMurray:

And an act to exempt from taxation, the property belonging to this State.

In which the concurrence of the House is requested.

And then the House adjourned.

JANUARY 15th, 1844.

The House met pursuant to adjournment.

The following messages was received from the Senate, by Mr. Clith-
erall:

Mr. Speaker—The senate has passed the following bills from the House of Representatives, to wit:

An act to authorize the formation of a Captain's company, in De Kalb county:

An act in relation to the rescission of a certain contract of purchase, of a part of the sixteenth section, township twelve, range five, in Wilcox county:

An act to change in part the line between the thirty-fifth, and eighty-third regiments, Alabama militia, and for other purposes:

An act to incorporate the Enon male and female academy, in Macon county:

An act in relation to the rescission of a certain contract of purchase, of a part of the sixteenth section, township eleven, range six:

An act to provide for selecting grand jurors in Marion county:

An act to fix permanently the court house of Covington county:

An act to incorporate the town of Pickensville, in Pickens county:

An act to fix the pay of jurors and witnesses in Randolph county:

An act to incorporate the town of Tompkinsville, in Sumter county:

An act to confirm the emancipation of certain slaves:

An act to divorce Kirkland Harrson, from his wife Harriet T. Harrison:

An act in relation to sixteenth section, township four, range three, in Limestone county:

An act to change the name of the county seat of Randolph county, from that of McDonald to Wedowe, and to incorporate the same:

An act to divorce certain persons therein named:

An act to divorce Elizabeth Holloway, from her husband Washington Holloway:

An act to authorize Nelson H. White, and Richard H. Burrows, to turnpike a certain road therein named, and for other purposes:

Also, joint resolutions in relation to a certain mail route:

And a memorial of the General Assembly of the State of Alabama to the Congress of the United States, requesting a reduction of the price of the public lands within said state.

An act to enable the executors of Michael J. Kenan, to secure the payment of certain money to the Branch Bank at Mobile, and has amended the same as therein shown, in which your honorable body will please concur.

The senate concurs in the amendment made by the House of Representatives to the Senate bill, in relation to the rescission of a certain contract of purchase of a part of section sixteen, in Wilcox county, and recedes from its amendment to the bill, making appropriations for the payment of certain claims against the state, by which the appropriation to James Orear, Archibald Rutherford and Isaac Rutherford, was stricken from said bill.

An act to confer certain powers and privileges therein named:

An act for the relief of Isaac Merrill of Covington county:

An act to divorce Wiley Pearce from his wife Sarah Pearce:

An act for the relief of Drury Roberts, of Jackson county:

An act to divorce Cena Cody, from her husband William Cody:

An act to alter the time of holding the circuit courts of the sixth judicial circuit, and for other purposes:

An act for the relief of John M. Bloodworth, late tax collector of Barbour county:

An act to authorize Elias Persinger, and his associates, to construct a wharf on the Black Warrior river, opposite the town of North Port, and have amended the same as therein shown:

An act to provide for the better maintenance of the poor in Dallas county:

An act for the support of paupers in the county of Pike:

An act to compensate the commissioners of roads and revenue for Pike county:

An act to change the time of holding the county court of Pike county:

An act to change the time of holding the fall term of the circuit court of Pike county, for the year one thousand eight hundred and forty-four:

An act to divorce Emily Susan Snipes, from her husband Jeremiah Snipes:

An act to authorize the commissioners court of roads and revenue in the counties of Barbour, Henry and Franklin, to levy additional taxes, and for other purposes: which house bill the senate has amended by striking therefrom, the engrossed ryder appended by the house, and adding an additional section as therein shown.

The Senate has originated and passed the following bills, viz:

An act supplementary to an act entitled an act to provide for taking the census of the state of Alabama, for the year one thousand eight hundred and forty-four, and for other purposes.

And an act to require the prompt payment of money, collected by sheriffs, attorneys, Bank marshals, or other agents of the State Bank, and its several branches.

An act to regulate the fees and commissions of said bank marshalls and sheriffs.

In all of which your honorable body is respectfully asked to acquiesce.

The senate refuses to pass the bill for the relief of Margery Brame and others.

Mr. Webb offered the following resolution which was adopted:

Resolved, That the Cashier of the Bank of the State of Alabama, report to this house how much of that portion of the debt due said bank by the citizens of the county of Greene, which has been marked "bad" and "doubtful" and reported by the joint examining committee was paid before the marking said debts; what credits should be given on said debts, and what sum of said debts has been incurred by deed of trust, mortgage, or otherwise.

The house resumed the consideration of the bill to retrench the expenditures of the General Assembly of the State of Alabama.

Mr. Scruggs moved to postpone the bill indefinitely; which was lost.

Mr. McMillion of B. called for the yeas and nays, which was taken, and resulted—yeas 31, nays 51.

YEAS—messrs. Alexander, Barker, Caffey, Calloway, Campbell, Clemens, Cook, Davis of L. Douglass, Drane, Dunn, Garrett, Hendrix, Humphreys, Jackson of B., Jones of F. Lang, McAlpin, McGriff, Nall, Norman, Oliver, Owens, Sandidge, Scruggs, Stringer, Sykes, Tate, Turner, Walker and Williams of H.

NAYS—messrs. Speaker, Aldridge, Allen, Banks, Barron, Bryan, Bugbee, Clancey, Clarke, Cobb, Davis of B. Dear, Evans, Franks, Griffin, Hale, Hancock, Harris, Hill of B. Hill of T. Holstein, Howard, Hubbard, Huntington, Jackson of A., J. D. Johnson, R. T. Johnston, Lankford, Martin, McCartney, McLemore, McMillion of B. McMillion of J. Meriwether, Miree, Moore of M. Morris, Mudd, Portis, Reid, Rose, Segar, Snowden, Spruill, Steele, Storrs, Troup, Webb, Whitsitt, Williams of J. Winston and Witherspoon.

Mr. Clemens moved to amend as follows:

Provided, That the members from no county shall be entitled to receive more than half the amount paid by such county in the State Treasury under the revenue bill.

Mr. Aldridge moved to lay the amendment on the table; which was lost—yeas 25, nays 54.

YEAS—messrs. Speaker, Aldridge, Allen, Clancey, Cobb, Franks, Hancock, Harris, Hill of T. Holstein, Howard, Hubbard, Huntington, Jackson of A. Lankford, McCartney, McMillion of B. McMillion

of J. Moore of M. Mudd, Reid, Rose, Spruill, Troup, and Whitsitt.

NAYS—messrs. Alexander, Baldwin, Banks, Barker, Barron, Caffey, Calloway, Campbell, Clemens, Cook, Davis of B. Davis of L. Douglass, Drane, Dunn, Frazier, Garrett, Griffin, Hale, Humphreys, Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Martin, McAlpin, McGriff, McLemore, Meriwether, Miree, Morris, Morrisett, Nall, Norman, Oliver, Owens, Portis, Sandidge, Scruggs, Segar, Snowden, Steele, Stringer, Storrs, Sykes, Tate, Turner, Walker, Webb, Williams of H. Williams of J. Winston and Witherspoon.

The amendmeni was then adopted,

Mr. Morrisett moved to reconsider the vote just taken; which motion was lost.

The bill was read the third time and passed—yeas 61, nays 19.

YEAS—messrs Speaker, Aldridge, Allen, Baldwin, Banks, Barker, Barron, Bugbee, Caffey, Campbell, Clancey, Clarke, Cobb, Davis of B. Davis of L. Drane, Dunn, Evans, Frazier, Griffin, Hale, Harris, Hill of B. Hill of T. Howard, Huntington, Jackson of A. Jackson of B., R. T. Johnston, Lankford, Martin, McGriff, McLemore, McMillion of B. McMillion of J. Meriwether, Miree, Moore of M. Morris, Morrisett, Mudd, Nall, Oliver, Portis, Reid, Rose, Scruggs, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Tate, Walker, Webb, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon.

NAYS—messrs. Alexander, Calloway, Clemens, Cook, Douglass, Garrett, Hancock, Holstein, Hubbard, Humphreys, Jones of F., Lang, McAlpin, McCartey, Norman, Owens, Sandidge, Sykes and Turner.

Messrs. Tate and Walker were permitted to change their votes on the passage of the revenue bill, and each of them voted "nay."

Messrs. R. T. Johnston and Norman were permitted to record their votes on the motion to lay Mr. Taylor's resolution on the table.

Mr. Johnson voted "nay;" Mr. Norman voted "aye."

The following message was received from the Senate:

Mr. Speaker—The Senate concurs in the amendments made by the House to a bill entitled an act to reduce the salaries of the President, Directors and other officers of the Bank of the State of Alabama and its several Branches, and for other purposes, except the sections nine, ten, eleven, and thirteen, which they have stricken out, and amended the twelfth as therein shown, and in which they respectfully ask the concurrence of your honorable body.

Mr. Moore of M. moved that the House insist upon its amendment to the bill adding the sections nine, ten, and eleven; which was carried.

The House concurred in the amendments of the Senate to the twelfth section.

Mr. Douglass moved that the House insist upon its amendment adding the thirteenth section; which motion was lost.

The House receded from its amendment.

The amendments of the Senate to the bill to authorize the commissioners' court of roads and revenue, in the counties of Barbour and Benton to lay additional taxes, and for other purposes, were concurred in.

The amendments of the Senate to the bill to authorize Elias Persinger and his associates to construct a wharf on the Black Warrior river, in the town of North Port, were concurred in.

The amendments of the Senate to the bill to establish a Chancery Court for the county of Randolph, and for other purposes, were concurred in.

The bill to change the mode of assessing taxes, was read the third time and passed.

The bill from the Senate, to incorporate a company for the purpose of manufacturing cotton and wollen goods, was read the second time.

Mr. Barker moved to strike out "two," before hundred, and insert "one;" which was carried.

The bill was read the third time, and passed.

Mr. Clemens submitted the following protest:

The undersigned, having voted against the passage of a bill to raise a revenue for the support of the State Government, and to maintain the faith and credit of the State, ask leave to enter their protest on the Journal, against the passage of said bill.

The eighth section of the sixth article of the Constitution of Alabama is in these words:

"All lands liable to taxation in this State, shall be taxed in proportion to their value."

The revenue bill of the present session, taxes lands according to their classification, and not according to their value. It is said that classification is only a mode of ascertaining value. In my opinion it may more properly be called a mode of evading the Constitutional provision above quoted.

The first class is valued at sixteen dollars, when it is a notorious fact that there are large bodies of land in the State of double that value; surely it cannot with any truth be said that those lands are taxed according to value? Again, their are lands which in quality of soil, belong to the first class that are, nevertheless, of little value, owing to location or other cause. It was to remedy this, we apprehend, that the eighth section of the sixth article of the Constitution was adopted.

The necessary operation of the revenue bill is to render the provision of the Constitution a nullity, and for that reason, and others, we voted against it. The bill also levies a tax of fifty cents on every hundred dollars of the salaries of the Judges and other officers. In the eleventh section of the fifth article this language is used: "Judges of the Supreme and Circuit courts and courts of Chancery, shall, at stated times, receive for their services a compensation which shall be fixed by

law, and shall not be diminished during their continuance in office." A tax of fifty cents on the hundred dollars is to that extent, a reduction of their salaries. If the Legislature had enacted that they should receive fifty cents less on every hundred dollars there could not have been two opinions as to the constitutionality of the law. The revenue bill contains a provision which is precisely the same thing in effect, and is, we think, equally unconstitutional. We opposed the bill also because its title is a deception and a fraud. It purports to be able to maintain the faith and credit of the State, when in fact it will not raise half the amount of our annual interest. If the object was simply to raise a revenue for the support of the State Government, it imposes a heavy and unnecessary burthen on the people. If the object, as its title would induce us to believe, was to raise a fund to pay the interest on the State Bonds, it is wholly insufficient, because it will not raise half the necessary amount. We, therefore, protest against the passage of said bill, and ask that this protest may be entered on the Journal.

(Signed,)

J. CLEMENS,
WM. B. MARTIN,
L. P. WALKER.

Mr. Mudd moved to take up the joint resolutions creating a board of control for the Bank of the State of Alabama and its several Branches; which was carried.

The resolutions were read the first and second times.

Mr. Spruill moved to strike out twenty per cent.; which was carried—yeas 42, nays 34.

YEAS—messrs. Speaker, Aldridge, Allen, Baldwin, Banks, Bridges, Bryan, Caffey, Clemens, Davis of L. Evans, Garrett, Hale, Harris, Hendrix, Holstein, Humphreys, Huntington, Jackson of A. Jackson of B. R. T. Johnson, Lankford, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Morrisett, Mudd, Nall, Owens, Portis, Reid, Rose, Segar, Snowden, Spruill, Steele, Turner, Webb, Whitsitt and Witherspoon.

NAYS—messrs. Alexander, Barker, Bugbee, Calloway, Campbell, Clancey, Davis of B. Douglas, Drane, Dunn, Fletcher, Franks, Griffin, Hancock, Hill of B. Hill of T. Hubbard, Jones of F., Lang, McAlpin, McCartney, McGriff, Moore of N. Norman, Oliver, Sandidge, Scruggs, Tate, Troup, Walker, Williams of H. and Williams of J.

Mr. Jackson of A. moved to amend as follows—strike out all that relates to twenty per cent. and insert:

"That the said Board of Control shall require and demand at least thirty-three and one-third per cent. annually upon all debts marked good, due, or hereafter falling due: *Provided*, That they shall not insist upon that amount, if the further collection of the debts then due and marked good should be endangered thereby; and in all cases shall consult the best interests of the Bank, and shall adopt such measures for the collection of debts due as their best judgment shall approve, acting in obedience to the provisions of this act."

Mr. Barker moved to strike out all concerning good debts; which was lost.

Mr. Norman moved to amend the amendment, as follows:

"And provided further, That the said Board of Control shall not make any discrimination between the Banks of the State, as to the amount of collections to be made."

Which was adopted.

Mr. Hale moved to strike out the first proviso; which was lost.

Mr. Griffin moved to lay the bill and amendments on the table; which was lost. Yeas 17, nays 51:

YEAS—messrs. Aldridge, Alexander, Barker, Campbell, Davis of L. Douglass, Drane, Dunn, Fletcher, Griffin, Hill of T. Hubbard, McMillion of B. McMillion of J. Sandidge, Webb, and Williams of J.

NAYS—messrs. Speaker, Allen, Baldwin, Banks, Barron, Bridges, Bryan, Caffey, Clarke, Cobb, Davis of B. Dear, Evans, Franks, Frazier, Garrett, Hale, Hancock, Hendrix, Holstein, Howard, Huntington, Jackson of A., Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, McAlpin, McLemore, Meriwether, Mitchell, Moore of M. Morrisett, Mudd, Nall, Norman, Oliver, Portis, Reid, Rose, Scruggs, Segar, Snowden, Steele, Storrs, Sykes, Troup, Turner, Walker, Whitsitt, Williams of H. and Witherspoon.

Mr. Barker, from the committee on enrolled bills, reported as correctly enrolled—

An act to be entitled an act for the relief of Sarah Ann Black, of Wilcox county:

An act authorizing the filing of bills in Chancery in certain cases:

An act to change the time of holding the fall term of the Circuit court of Pike county, for the year one thousand eight hundred and forty-four:

An act to authorize the court of roads and revenue of Lawrence county to levy a tax:

An act to authorize William Magee to open a certain road therein named, and for other purposes.

Mr. J. D. Johnson, from the committee on enrolled bills, reported as correctly enrolled—

An act to authorize Jacob C. Jorden to remove the property of his infant daughter, &c:

Joint resolutions authorizing a rescission of sale for sixteenth section, township eleven, range one, west, in Washington county:

Joint resolutions authorizing W. W. Frierson to receive and receipt for the balance due the late Quarter Master General of Alabama, by the State:

The following message was received from the Senate, by Mr. Couch:

Mr. Speaker—The Senate has receded from their disagreement to the amendments made by the House of Representatives to the bill reducing the salaries of the President and Directors of the State Bank and its several Branches, in sections nine, ten and eleven.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled—

An act to amend an act to run and mark out the line between the counties of Shelby and Jefferson:

An act to authorize the transfer of causes from the Orphans' court to Chancery court in certain cases:

An act to authorize and require the President and Directors of the Branch Bank at Huntsville to consummate a certain contract:

An act in relation to the fees of certain officers in Baldwin county:

An act to authorize the commissioners of the sixteenth section, township twenty-two, range two, west, Tuscaloosa land district, in Sumter county, to rescind a certain contract therein described:

An act to repeal the law, incorporating the town of Clayton, in Barbour county:

An act to assess and collect a county tax in the counties of Macon and Montgomery:

Mr. Clemens offered the following resolutions:

Resolved, That with the concurrence of the Senate, the two houses will assemble in the hall of the House, this evening, at three o'clock, for the purpose of electing a President and two Directors of the Branch Bank at Huntsville, and a President and two Directors of the Branch Bank at Decatur.

Resolved further, That with the concurrence of the Senate, the two houses will assemble in the hall of the House, this evening, at half past six o'clock, for the purpose of electing a President and four Directors for the State Bank—a President and two Directors for the Branch Bank at Mobile—and a President and two Directors for the Branch Bank at Montgomery—and also a Judge of the County Court of De Kalb county.

Which was carried. Yeas 46, nays 33.

YEAS—messrs. Speaker, Aldridge, Alexander, Baldwin, Bridges, Bryan, Caffey, Clarke, Clemens, Davis of L. Douglass, Drane, Evans, Fletcher, Griffin, Hale, Harris, Holstein, Howard, Hubbard, Huntington, Jackson of A., Jackson of B. Jones of F., J. D. Johnson, Lang, Lankford, McGriff, McMillion of B. Miree, Moore of M. Morris, Reid, Rose, Sandidge, Scruggs, Steele, Tate, Troup, Walker, Webb, Whitsitt, Williams of H. Williams of J. and Witherspoon.

NAYS—messrs. Allen, Banks, Barker, Bugbee, Calloway, Campbell, Clancey, Cobb, Davis of B. Dear, Dunn, Franks, Frazier, Garrett, Hancock, Hendrix, Hill of T. Humphreys, R. T. Johnston, Martin, McAlpin, McCartey, McMillion of J. Meriwether, Mitchell, Morrissett, Mudd, Norman, Oliver, Portis, Segar, Snowden, Storrs, and Turner.

The following message was received from the Senate, by Mr. Clithrell:

Mr. Speaker—I have the honor to inform you of the concurrence of the Senate in the resolution of your honorable body rescinding the resolution heretofore adopted proposing an adjournment sine die, on the fifteenth instant.

Mr. Frazier submitted the following protest:

The undersigned, members of the House of Representatives, who voted in the minority on the call for the previous question, on the adoption of

the joint resolutions proposing amendments to the Constitution, protest against the call for the previous question, and claim the privilege secured by the Constitution of entering our reasons upon the Journals. The undersigned are in favor of so amending the Constitution as to have biennial sessions of the General Assembly; but the resolutions as adopted propose to increase the Senatorial term to four years; a proposition to which the undersigned are opposed. We therefore protest against and voted against the call for the previous question; because by cutting off all amendment, we were forced to vote upon the adoption of the resolutions while in an objectionable form: And, secondly, because we fear that their adoption in the form in which they passed the House, will endanger their success in the to be taken upon them by the people. The undersigned protest against incorporating into the constitution of this State, a provision requiring the election of Senators to the State legislature for a term of four years.

JOSEPH P. FRAZIER, of Jackson.

DAVID C. HUMPHREYS, of Morgan.

And then the House adjourned.

AFTERNOON SESSION, January 15, 1844.

The House met pursuant to adjournment.

Mr. Williams of H. from the committee on enrolled bills, reported as correctly enrolled:

An act to alter and amend the patrol law, now in force, in certain counties therein named:

An act to secure the records of the orphans' court of Dale county:

An act concerning the administration of the estate of Wm. S. Chapman, deceased.

Mr. McMillion of B. from the same committee, reported as correctly enrolled:

An act for the relief of the citizens of township fifteen, range eight east, in Benton county.

Mr. Barker, from the same committee, reported as correctly enrolled:

An act to authorize Richard Prince to erect a gate on the public road in Greene county, near Jones' Bluff:

An act to amend the charter of the town of Marion, in Perry county.

Mr. McMillion of B. from the same committee, reported as correctly enrolled:

An act to fix permanently the court house of Covington county:

An act to fix the pay of jurors and witnesses in the county of Randolph:

Joint resolutions in relation to certain mail routes.

Mr. Barker, from the same committee, reported as correctly enrolled:

An act to incorporate the town of Huntsville:

An act to incorporate Lafayette, in Chambers county:

An act in relation to the sixteenth section, in township four, range three, in Limestone county:

An act to divorce Kirkland Harrison from his wife Harriet Y. Harrison:

An act to require the clerks of certain counties therein named to make out and keep a reversed index to the several books of their office:

Mr. Storrs, from the same committee, reported as correctly enrolled—

An act to raise a revenue for the support of the State Government, and to maintain the faith and credit of the State of Alabama:

An act to change the time of holding the Circuit courts in the sixth judicial circuit, and for other purposes:

An act making appropriations for the payment of certain claims against the State.

Mr. Martin moved to suspend the business before the House, in order to have opportunity to introduce a bill in regard to the Branch Bank at Mobile; which was lost. Yeas 29, nays 49:

YEAS—messrs. Speaker, Aldridge, Anderson, Barker, Barron, Bugbee, Caffey, Campbell, Clancey, Drane, Dunn, Griffin, Hale, Hubbard, Huntington, Lang, McCartey, McCriff, Miree, Moore of M. Norman, Oliver, Portis, Reid, Storrs, Turner, Webb, and Witherspoon.

NAYS—messrs. Allen, Banks, Bridges, Bryan, Calloway, Cobb, Cook, Davis of B. Davis of L. Douglass, Evans, Fletcher, Franks, Hancock, Harris, Hendrix, Hill of B. Hill of T. Holstein, Howard, Humphreys, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McMillion of B. McMillion of J. Meriwether, Mitchell, Morris, Morrisett, Mudd, Nall, Rose, Sandidge, Seegar, Snowden, Spruill, Steele, Sykes, Tate, Troup, Walker, Whitsett, Williams of J. Williams of H. and Winston.

The House resumed the consideration of the joint resolutions proposing to establish a Board of Control, for the Bank of the State of Alabama and its several Branches.

The question pending on the amendment offered by Mr. Jackson of B.

Mr. Hubbard moved to postpone indefinitely the bill and amendment. And the House adjourned.

NIGHT SESSION, JANUARY 15th, 1844.

The House met pursuant to adjournment.

Mr. Martin moved to suspend the consideration of local bills; which was lost.

The bill to compensate William S. Taylor and Judge S. Williams for horses lost in the service of the State, was read the first and second times.

Mr. Martin moved to lay the bill on the table; which was lost. Yeas 27, nays 41.

YEAS—messrs. Aldridge, Allen, Anderson, Barker, Caffey, Clancy, Clemens, Davis of L. Douglass, Fletcher, Griffin, Hill of T. Holstein, Martin, McMillion of B. McMillion of J. Meriwether, Miree, Moore of mad. Morris, Norman, Owens, Portis, Reid, Spruill, Steele, Troup, Turner and Williams of J.

NAYS—messrs. Speaker, Banks, Barron, Bridges, Bugbee, Campbell, Clarke, Davis of B. Dear, Drane, Dunn, Garrett, Hale, Harris, Hendrix, Howard, Huntington, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, Lang, Lankford, McCartney, McGriff, McLemore, Mitchell, Mudd, Nall, Oliver, Rose, Sandidge, Snowden, Storrs, Tate, Webb, Whitsitt, William of H. Winston and Witherspoon.

Mr. Speaker decided that the bill did not come within the rule requiring the House to consider local business exclusively at night sessions.

Mr. Jackson of B. moved to suspend the orders; which was lost.

Mr. J. D. Johnson, from the committee on enrolled bills, reported as correctly enrolled—

An act for the relief of Drury Roberts, of Jackson county:

An act to divorce Cena Cody from her husband, William Cody:—

An act to divorce Wiley Rearce from his wife, Sarah Pierce:

An act to incorporate the town of Pickensville, in Pickens county:

The following message was received from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency, the Governor, has approved bills of the following titles, to wit:

An act to consolidate the several acts of incorporation of the city of Mobile, and to alter and amend the same:

Joint memorial to the Congress of the United States on the subject of the pre-emption laws:

An act for the support of paupers, in Shelby county:

An act for the more effectual preservation of the arms of the State in charge of the first volunteer regiment of Alabama militia, and for other purposes:

And an act to incorporate the Jackson county Guards,

Which originated in the House.

The House disagreed to the first amendment of the Senate to the bill making appropriations for the year one thousand eight hundred and forty-four.

The House concurred in the second and third amendments to said bill.

Mr. Clemens, from the committee on the judiciary, to which was referred the bill to fix the time of holding the circuit courts in the fifth judicial circuit, reported the bill back to the House, without amendment, and recommended its passage.

The bill was read the second time.

Mr. Frazier moved to refer to a select committee consisting of the counties mentioned in the bill; which was lost.

The bill was ordered to a third reading and made the special order for ten o'clock, to-morrow.

The bill from the Senate, to authorize Philip Lightfoot to erect certain gates therein named, was read the first, second and third times and passed.

The bill from the Senate, to change the time of holding the circuit courts of the second judicial circuit, was read the first and second times.

Mr. Dear moved to refer to a select committee consisting of the counties mentioned in the bill; which was lost.

Mr. Bridges moved to refer to a select committee of three; which was carried; and messrs. Bridges, Nall and Evans were appointed said committee.

Mr. Williams of H. from the committee on enrolled bills, reported as correctly enrolled,

An act for the relief of Jacob Merrill, of the county of Covington:

An act for the relief of the citizens of township sixteen, range seven, east, in Benton county:

An act to add a part of the twenty-sixth to the thirtieth regiment, of Alabama militia:

An act to change the time of holding the county court of Pike county:

An act to change the name of the county seat of Randolph county from that of McDonald to Wedowe, and to incorporate the same:

The amendments of the Senate, to the bill to enable the executrix of Michael J. Kenan to secure the payment of certain money, to the Branch Bank at Mobile, was concurred in.

Mr. McMillion of B. from the committee on enrolled bills, reported as correctly enrolled,

An act to authorize the commissioners' court of roads and revenue, of the counties of Montgomery, Bibb, and Chambers, to levy a tax of fifty per cent. on the State tax authorized for the year one thousand eight hundred and forty-four:

An act to compensate the commissioners of roads and revenue of Pike county:

An act for the relief of the representatives of Robert Williamson, deceased:

An act for the benefit of the Military Academy at Eufaula:

And an act explanatory of a revenue act, passed in January, one thousand eight hundred and forty-four.

The bill from the Senate, to change the time of holding the court in the third District of the Southern Chancery Division, and for other purposes, was read the first, second and third times, and passed.

The bill from the Senate, for the relief of Joseph Guynes, and others, was read the first and second times.

Mr. Jackson of B. moved to amend.

Mr. Fletcher moved the previous question; which was sustained.

Mr. Baldwin moved to reconsider the vote; which was lost.

The bill was ordered to a third reading.

The bill from the Senate, to incorporate the Rocky Mount Academy,

in the county of Lowndes, was read the first, second, and third times, and passed:

The bill from the Senate, to require an extra term of the court to be holden in the third District and Southern Division, and for other purposes:

And the bill from the Senate, for the relief of Francis D. G. Malempre, were severally read the first, second and third times and passed.

And then the House adjourned.

JANUARY 16, 1844.

The House met pursuant to adjournment.

The following message was received from the Senate, by Mr. Clitherrall:

Mr. Speaker—The Senate has passed bills from the House of Representatives, entitled as follows:

An act to authorize the judge of the county court of Covington county to receive certain notes, and for other purposes:

An act to establish a Medical Board in Eufaula, in the county of Barbour:

An act to define and establish the county line, between the counties of De Kalb and Cherokee:

Joint resolutions for the relief of Hudson W. Nelson, tax collector of Shelby county:

An act for the relief of Isaac Swan, tax collector in Sumter county:

An act to define the county line between Henry and Barbour counties:

An act to alter the mode of selecting grand jurors, for the counties of Dallas, Tallapoosa, Tuscaloosa and Barbour; and have amended the same as therein shewn, in which your concurrence is asked.

An act to extend the powers of the town commissioners, in De Kalb county:

An act in relation to the sixteenth section fund, in the county of Bibb:

An act to authorize the levy of a special tax, in the county of Fayette, for the support of paupers:

An act to provide more permanently for the payment of jurors, of Lowndes county:

An act to change the time of holding the county court of Dallas county, and for other purposes:

An act for the relief of Richard Locke:

An act to authorize the election of a justice of the peace for the town of Warrenton,

And an act concerning the payment of fines and forfeitures, in Cherokee county,

And joint resolutions, in relation to the faith and credit of the State of Alabama.

The Senate refused to pass the bill to change the place of holding the Chancery court, in the eighth District, Southern Chancery Division of Alabama:

Also, joint resolutions, proposing a change in the Constitution of the State of Alabama, so as to have biennial sessions of the Legislature.

Message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency, the Governor, has approved bills of the following titles, to wit:

An act making appropriations for the payment of certain claims against the State:

An act authorizing the filing of bills in Chancery in certain cases:

An act to repeal the law incorporating the town of Clayton, in Barbour county:

An act to assess and collect a county tax, for the counties of Macon and Montgomery:

An act in relation to the fees of certain officers in Baldwin county:

An act to change the time of holding the fall term of the circuit court of Pike county, for the year one thousand eight hundred and forty-four:

An act for the relief of Sarah Ann Black, of Wilcox county:

An act to locate permanently the county site for the county of Cherokee, and for other purposes:

An act to raise a revenue for the support of the State Government, and to maintain the faith and credit of the State of Alabama:

An act for the relief of Drury Roberts, of Jackson county:

An act to divorce Wiley Pearce from his wife, Sarah Pearce:

An act to authorize Richard Prince to erect a gate on the public road in Greene county, near Jones' Bluff:

An act to amend the patrol law now in force, in certain counties therein named:

An act to require the Clerks of certain counties therein named, to make out and keep a reversed index to the several books of their office.

An act to divorce Kirkland Harrison from his wife, Harriet Y. Harrison:

An act to divorce Cena Cody from her husband, William Cody:

An act in relation to the sixteenth section, in township four, range three, in Limestone county:

An act to secure the records of the Orphans' court of Dale county:

An act for the relief of the citizens of township fifteen, and range eight east, in the county of Benton:

An act to alter the time of holding the circuit courts of the sixth judicial circuit, and for other purposes:

Which bills originated in the House of Representatives.

Mr. McMillion of B., from the committee on enrolled bills, reported as correctly enrolled,

An act to explain an act passed February thirteenth, one thousand

eight hundred and forty-three, declaring the Chattooga river a public highway:

An act to change the time of holding the county court of Lowndes county:

An act for the relief of Polly Rosser, wife of Daniel Rosser:

And an act to establish a Board of Physicians in Chambers county.

Mr. Portis made the following report:

The joint committee, appointed by the Senate and House of Representatives, to examine the affairs, and report the situation of the respective offices of the Comptroller of Public Accounts and of the State Treasurer, have directed me to report to this House the result of their investigations.

The committee commenced the discharge of their duties by comparing the warrants drawn by the Comptroller of Public Accounts, and the duplicates of the checks drawn by the State Treasurer upon the funds appropriated by law, and the registration of them in the respective offices most thoroughly and minutely. This comparison exhibited an exact correspondence between the Comptroller's drafts and the Treasurer's checks.

The next subject of enquiry was, to ascertain whether the Comptroller's drafts were provided for under the past appropriations for the fiscal year, beginning November twenty-seventh, one thousand eight hundred and forty-two, and ending November twenty-sixth, one thousand eight hundred and forty-three, all of which were correct. The claims and allowances are all legally authenticated, and carry with them the evidence of a discriminating economy being exercised by the Comptroller of Public Accounts.

The returns of the assessment of the taxes for the year one thousand eight hundred and forty-three, are duly registered and correct copies made out as far as they have been received.

The committee declined examining the partial returns of the tax collectors of the several counties—the returns are incomplete as yet, and in fact, but few of them made any returns during the fiscal year, one thousand eight hundred and forty-three; consequently, this matter was left for the committee which may be appointed by the ensuing legislature, when the returns shall have been completed; and a detailed exhibit can be furnished of the respective assessments, and the collections which may be made upon them.

The committee have instructed me to say to the House of Representatives, that the faithful and attentive manner in which the Comptroller of Public Accounts and State Treasurer have discharged the duties of their offices, and the neatness and accuracy with which they conduct the public business, recommends them to the favorable consideration of the General Assembly as capable and trust worthy officers.

All of which your committee beg leave most respectfully to submit.

Mr. Winston, from the committee on privileges and elections, reported:

A bill to establish an election precinct therein named; which was read the second and third times and passed:

Mr. Frazier, from the committee on the military, to which was referred a bill to authorize the regimental court of the sixtieth regiment to form company beats of a less number than forty privates, reported that it is inexpedient to pass the bill.

The report was concurred in.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled,

An act authorizing a rescission of a contract of sale of a part of a certain sixteenth section, in Shelby county:

An act to change the time of holding the county court of Shelby county:

An act to incorporate the Tennessee and Coosa rail road company:

An act to incorporate the Enon Male and Female Academy, in Macon county:

An act in relation to the rescission of certain contracts of purchase of a part of a sixteenth section, in the county of Wilcox:

An act in relation to the rescission of a certain contract of purchase of a part of the sixteenth section, in township twelve, range five in Wilcox county:

An act to divorce certain persons therein named:

An act to incorporate the town of Tompkinsville, in the county of Sumter:

An act entitled an act to incorporate the town of Huntsville:

An act to provide for a full and equitable assessment of taxes for the city of Mobile:

An act to confer certain powers and privileges therein named:

An act to provide for the better maintenance of the poor in Dallas county:

An act to authorize the Judge of the County court, and commissioners of roads and revenue of Randolph county to levy a special tax:

An act authorizing the formation of a Captain's company in De Kalb county:

An act to amend an act for the final settlement of the affairs of the Planters and Merchants Bank of Mobile:

An act in relation to the rescission of a certain contract of purchase of a part of the sixteenth section, in township twelve, range five, in Wilcox county:

An act to provide for selecting grand jurors, in the county of Marion:

An act to divorce Emily Susan Snipes from her husband, Jeremiah Snipes:

An act for the support of paupers, in the county of Pike:

Also a memorial of the General Assembly of the State of Alabama to the Congress of the United States, requesting a reduction of the price of the public lands within the State:

Also, Joint resolutions relative to manufactures within the State Penitentiary:

Joint resolutions for the relief of Isaac Swan, tax collector of Sumter county.

Mr. Webb, from the committee on ways and means, to which was referred the petition of sundry citizens of Russell county, reported that the committee believe the mode of assessing and collecting the taxes ought to be uniform throughout the State, and that it would be inexpedient and improper to grant the prayer of the petitioners.

The report was concurred in.

Mr. Walker introduced a bill for the relief of Harvey Reid, of Lawrence county; which was read the first, second and third times, and passed.

Mr. Norman introduced a bill to form a new beat in Franklin county; which was read the first, second and third times, and passed.

Mr. Scruggs introduced a bill to regulate the duties of the Sheriff of Sumter county; which was read the first and second times.

Mr. Clemens moved to lay the bill on the table; which was lost.

Mr. Clemens moved to refer to the judiciary committee; which was lost.

The bill was ordered to be engrossed for a third reading.

Mr. McMillion of B. from the committee on enrolled bills, reported as correctly enrolled,

An act to change the time of holding the commissioners court in the counties of Cherokee and Madison;

And an act to authorize Nelson H. White and Richard Burrus to turnpike a certain road therein named, and for other purposes.

Mr. R. T. Johnston moved that the House reconsider the vote on striking out "twenty," in the joint resolutions creating a Board of Control for the Bank of the State of Alabama and its several Branches; which was lost.

The bill from the Senate, to fix the time of holding the circuit courts in the fifth judicial circuits, was read the third time.

Mr. Williams of J. moved to lay the bill on the table; which was carried—yeas 39, nays 29.

YEAS—messrs. Aldridge, Banks, Barron, Bridges, Caffey, Calloway, Campbell, Cook, Fletcher, Franks, Frazier, Hancock, Harris, Holstein, Howard, Humphreys, Jackson of A. Jackson of B., R. T. Johnston, Lankford, McAlpin, McCartey, McGriff, McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris, Nall, Norman, Owens, Scruggs, Snowden, Spruill, Steele, Tate, Troup, Williams of J. and Winston.

NAYS—messrs. Alexander, Allen, Anderson, Baldwin, Bryan, Bugbee, Barker, Clarke, Clemens, Cobb, Davis of B. Douglass, Drane, Dunn, Hale, Hill of T. Martin, McMillion of B. Mudd, Oliver, Reid, Sandidge, Segar, Storrs, Walker, Webb, Whitsitt and Witherspoon.

The House proceeded to the consideration of joint resolutions creating a Board of Control for the Bank of the State of Alabama and its several Branches.

The question pending on Mr. Hubbard's motion to postpone indefinitely; which was carried—yeas 49, nays 29.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Banks, Barker, Barron, Campbell, Cook, Davis of B. Davis of L. Douglass, Drane, Dunn, Fletcher, Franks, Griffin, Harris, Hill of T. Hubbard, Huntington, J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McCarty, McGriff, McLemore, McMillion of B. McMillion of J. Miree, Moore of M. Morris, Norman, Oliver, Owens, Portis, Reid, Sandidge, Snowden, Storrs, Tate, Troup, Turner, Walker, Webb and Williams of J.

NAYS—messrs. Baldwin, Bridges, Bryan, Bugbee, Caffey, Clemens, Cobb, Frazier, Hale, Hancock, Holstein, Howard, Humphreys, Jackson of A. Jackson of B. McAlpin, Meriwether, Mitchell, Morrisett, Mudd, Nall, Rose, Scruggs, Segar, Spruill, Steele, Whitsitt and Witherspoon.

Mr. Frazier moved to take up the bill to regulate the duties and compensation of the Adjutant and Inspector General, and for the better organization of the Militia of this State, was read a second time.

Mr. Frazier moved to amend as follows:

Strike out section third, and insert:

Sec. 3. *And be it further enacted*, That it shall be the duty of Colonels Commandant of Regiments in cases where there are no commanding officers of Battalions, to order elections to fill all vacancies, either in Battalions or Companies; and where elections have been ordered and there are no candidates in any company, or any company shall fail, refuse or neglect to elect officers, it shall be the duty of the officer commanding the regiment to order and convene a Regimental Court Martial, to consist of not less than seven commissioned officers, who when convened and organized shall proceed to elect by ballot company officers for the company or companies so failing, refusing or neglecting to elect their officers, or when there are no candidates, and the officers so elected shall be commissioned for the term of two years, and it shall be the duty of the President of such court martial to certify the election so made, to the Governor for commissions, and all company officers elected according to the provisions of this act shall have the same powers and privileges, and be subject to the same penalties of other officers of the same rank; and for refusing to serve when so elected, shall be ineligible to any military office in this State for five years: *Provided*, That officers commanding regiments or battalions shall have power to fill by appointment vacancies of company officers on muster days.

Mr. Jackson of A. moved to lay the amendment on the table; which was carried.

Mr. Frazier moved to amend as follows:

Strike out section five, and insert:

Sec. 5. *And be it further enacted*, That whenever it shall come to the knowledge of the Brigadier General, that any regiment of his command is without field officers, it shall be his duty to order elections to fill such vacancies, and if there shall be no candidates, or the regiment shall fail, refuse or neglect to elect field officers, it shall be the duty of the Brigadier General commanding the brigade, to order and convene a bri-

gade court martial, which when assembled and duly organized shall proceed to elect by ballot a Colonel Commandant of such regiment, and the President of said court shall certify the election so made to the Governor, who shall commission the officers so elected, for the term of two years; and the officer so elected and commissioned shall be vested with all the powers and privileges, and to be subject to the same penalties of officers of the same rank in other cases: *Provided*, the officer so elected shall be a resident of the regiment he is elected to command. And any officer so elected refusing to serve, shall be ineligible to any military office in this State for the space of five years from the time of such refusal. It shall also be the duty of Brigadier Generals, upon application being made to them in writing by any portion of the militia, desiring a change in the lines of regiments, to order a court martial to consider the case, and make such change, if deemed necessary by said court.

Mr. Jackson of A. moved to lay the amendment on the table; which was carried.

Mr. Bridges moved to strike out so much as authorized the Governor to appoint a person to digest the military law; which was lost.

The bill was read the third time, and passed.

The bill to regulate the rate of interest, was read a second time.

Mr. Hubbard moved to amend as follows:

Provided, That hereafter it shall not be lawful for any person to take, receive or demand a higher rate of interest than six per cent per annum for any money, goods or wares loaned.

Mr. Moore of M. moved to lay the bill on the table; which was carried—yeas 44, nays 32.

YEAS—messrs. Speaker, Alexander, Allen, Banks, Barker, Barron, Bridges, Caffey, Calloway, Campbell, Clancey, Clarke, Dear, Douglass, Fletcher, Franks, Frazier, Griffin, Hancock, Hill of T. Hubbard, Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McAlpin, McCartey, Meriwether, Miree, Mitchell, Moore of M. Morris, Norman, Oliver, Owens, Portis, Reid, Segar, Snowden, Spruill, Tate, Turner, Whitsitt, Winston and Witherspoon.

NAYS—messrs. Anderson, Baldwin, Bryan, Bugbee, Clemens, Cobb, Cook, Davis of B. Davis of L. Drane, Dunn, Evans, Garrett, Hale, Harris, Hill of B. Holstein, Howard, Humphreys, Huntington, Jackson of A. Jackson of B. Martin, McMillion of J. Morrisett, Mudd, Nall, Rose, Sandidge, Steele, Storrs, Troup and Webb.

The following message was received from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed the House bill, to be entitled an act to regulate the time of holding the terms of the several circuit courts in the second judicial circuit, and has amended the same as therein shown; in which your honorable body is respectfully asked to concur.

The Senate has also passed the House bill for the relief of Harvey W. Reid, of Lawrence county:

And also an act to change the time of holding certain courts therein named, and recedes from its amendments to the general appropriation

bill, striking out the appropriation of two hundred and fifty dollars to the Comptroller of Public Accounts.

Mr. Spruill introduced a bill to repeal a certain law therein named, and for other purposes; which was read the first time.

Mr. Barker moved to lay the bill on the table; which was lost. Yeas 18, nays 54.

YEAS—messrs. Alexander, Banks, Barker, Caffey, Campbell, Davis of L. Douglass, Fletcher, Griffin, Meriwether, Moore of M. Morris, Oliver, Sandidge, Tate, Troup, Williams of J. and Winston.

NAYS—messrs. Speaker, Aldridge, Allen, Barron, Bridges, Bryan, Bugbee, Calloway, Clancey, Clarke, Clemens, Cobb, Cook, Davis of B. Dear, Drane, Dunn, Evans, Franks, Garrett, Hale, Hendrix, Harris, Hancock, Hill of B. Hill of T. Holstein, Howard, Hubbard, Jackson of A. Jones of F., J. D. Johnson, R. T. Johnston, McAlpin, McCarty, McGriff, McMillion of J. Miree, Morrisett, Mudd, Nall, Owens, Portis, Reid, Rose, Scruggs, Segar, Snowden, Spruill, Steele, Turner, Webb, Whitsitt and Witherspoon.

The hour of twelve o'clock having arrived, Mr. Spruill moved to suspend the orders of the day, in order to take up his bill; which was carried. Yeas 14, nays 23.

YEAS—messrs. Anderson, Baldwin, Banks, Barron, Bridges, Bryan, Bugbee, Clarke, Clemens, Cobb, Dear, Evans, Frazier, Garrett, Hale, Hancock, Hendrix, Hill of B. Hill of T. Holstein, Howard, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnson, Lankford, McLemore, McMillion of J. Mitchell, Morrisett, Mudd, Nall, Oliver, Portis, Rose, Scruggs, Snowden, Spruill, Steele, Sykes, Webb, Whitsitt and Witherspoon.

NAYS—messrs. Alexander, Allen, Barker, Caffey, Campbell, Douglass, Dunn, Griffin, Harris, Hubbard, McAlpin, McCarty, McGriff, Moore of M. Morris, Norman, Reid, Sandidge, Tate, Troup, Turner, Walker and Williams of J.

Mr. Hale moved to suspend the constitutional rule, and give the bill a second reading forthwith, which was lost. Yeas 46, nays 28.

YEAS—messrs. Anderson, Baldwin, Banks, Barron, Bridges, Bryan, Bugbee, Clarke, Clemens, Cobb, Evans, Frazier, Garrett, Hale, Hancock, Hendrix, Hill of B. Hill of T. Holstein, Howard, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lankford, McMillion of J. Mitchell, Morrisett, Mudd, Nall, Oliver, Owens, Portis, Rose, Scruggs, Segar, Snowden, Spruill, Steele, Sykes, Webb, Whitsitt, and Witherspoon.

NAYS—messrs. Speaker, Alexander, Allen, Barker, Campbell, Caffey, Davis of L. Douglass, Dunn, Fletcher, Griffin, Harris, Hubbard, McAlpin, McCarty, McGriff, McLemore, Meriwether, Moore of M. Morris, Norman, Reid, Sandidge, Tate, Troup, Turner, Walker and Williams of J.

The bill was ordered to a second reading, and made the special order for half-past nine to-morrow.

The bill for the relief of Joseph Guynes, was read the third time and passed.

Mr. Bridges, from the select committee, to which was referred the bill to change the time of holding the Circuit courts of the second judicial circuit, reported the bill back to the House with certain amendments; which were concurred in, and the bill passed.

The bill from the Senate, to regulate the pay of Bank attorneys, was read the first time, and laid on the table.

Mr. Huntington presented the account of Charles M. Donoho; which was referred to the delegation from Tuscaloosa and Greene.

Mr. Huntington, from the select committee, to which was referred the accounts of Charles M. Donoho and James H. Owen, reported a bill for the relief of Charles M. Donoho and James H. Owen; which was read the first, second and third times, and passed.

And the House adjourned.

AFTERNOON SESSION, January 16th, 1844.

The House met pursuant to adjournment.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled—

An act to reduce the salaries of the President, Directors, and other officers, of the Bank of the State of Alabama, and its several Branches, and for other purposes:

An act to incorporate the Rocky Mount Academy, in the county of Lowndes:

An act to change the time of holding the court in the third district, and southern chancery division, and for other purposes.

An act to authorize the investment of the United States Treasury notes, being a portion of the two per cent. fund, in United States stock:

An act to incorporate a company for the purpose of manufacturing woollen and cotton goods:

An act to incorporate the town of Sumterville, in Sumter county:

An act authorizing James Nance, to remove the settlement of the estates of Lundy Lee and Pleasant Lee, from the county of Dallas, to the county of Pickens:

An act to authorize Philip Lightfoot, to erect gates on a certain road therein named:

An act for the relief of Francis G. De Malempre:

An act to amend the charter of the town of Gainesville, in the county of Sumter:

An act for the relief of Jesse Howard, John Agnew, and others:

An act to amend an act to incorporate the Mobile Navigation and Insurance company; approved fourteenth February, one thousand eight hundred and forty three:

An act for the benefit of Lewis Bishop, of the county of Talladega:

An act more particularly to define the county line between Henry and Barbour counties:

An act to authorize the commissioners courts of roads and revenue

in the counties of Barbour, Henry, Franklin and Benton, to levy additional taxes, and for other purposes:

An act to extend the powers of the town commissioners in De Kalb county:

An act to divorce Elizabeth Holloway, from her husband Washington Holloway:

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has adopted the resolution of the House, proposing to elect a President and Boards of Directors of the State Bank and its several Branches, and a judge of the county court of De Kalb county, and has amended the said resolution so as to bring on the several elections at four o'clock, this afternoon, in which amendment the concurrence of your honorable body is respectfully asked.

The amendment of the Senate was concurred in.

The bill for the better security of vessels and property upon the waters of this State, was read the second time.

Mr. Dunn moved to amend; which was adopted.

Mr. Anderson moved to amend; which was adopted.

The bill was then read the third time and passed.

Mr. J. D. Johnson, from the committee on enrolled bills, reported as correctly enrolled:

An act for the support of paupers, in the county of Pike:

An act to establish a Medical Board, in Eufaula, Barbour county:

An act to authorize the judge of the county court of Covington county, to receive certain notes, and for other purposes:

Mr. McLemore moved to take up the bill, to authorize the loan of a portion of the two per cent. fund, to the Montgomery and West Point rail road company; which was carried, and the bill read a first time.

Mr. McLemore moved to make the bill, the special order for a second reading on to-morrow, at half-past nine o'clock; which was ordered.

Mr. Winston moved to take up the bill from the Senate, to authorize the Bank to sell a certain tract of land therein named; which was carried, and the bill read the first and second times.

Mr. Davis of L. moved to amend as follows:

Provided, That the said land shall not be sold until the same shall have been valued as now required by law.

The amendment was lost, and the bill read a third time, and passed.

The bill to authorize brigade encampments in the sixth brigade, was read the first, second and third times, and passed.

Mr. Martin offered the following resolution:

Resolved, That the Senate be now invited into the hall of the House, for the purpose of going into the election of the President and Directors of the State Bank, and its several Branches.

Which was adopted.

Mr. Jackson of B. offered the following resolution:

Resolved, That three thousand copies of the Acts passed at the present Session of the General Assembly, be printed for the use of the House. Which was adopted.

The Senate forthwith repaired to the hall of the House, were seated, and Mr. President announced the object of the assembling of the two houses.

The two houses then proceeded first to the election of a President of the Branch Bank at Decatur:

The names of — *Carroll*, *R. B. Fenner*, and — *Rather*, being in nomination.

Those who voted for *Mr Carroll*, are messrs President, Arrington, Bishop, Creagh, Foster, Hudson, Kelly, Marchbanks, McVay, Toulmin, Walker of B. Walthall, Watkins Wilson and Winston of the Senate; and messrs. Speaker, Alexander, Allen, Baldwin, Banks, Caffey, Calloway, Clancey, Cook, Davis of L. Douglass, Evans, Garrett, Hancock, Hendrix, Hill of B. Hill of T. Holstein, Huntington, Jones of F. Lang, Lankford, Martin, McCartey, McGriff, McLeod, McMillion of J. Meriwether, Miree, Mitchell, Norman, Owens, Scruggs, Steele, Stringer, Sykes, Tate, Turner, Whitsitt, Williams of J. and Winston of the house—52.

Those who voted for *Mr. Fenner*, are messrs. Fleming and Walker of L. of the Senate; and messrs. Aldridge, Bryan, Campbell, Cobb, Frazier, Harris, Hubbard, McMillion of B. Morris, Portis and Walker of the house—13.

Those who voted for *Mr. Rather*, are messrs. Brindley, Dent, Dougherty, Hardaway, King, McAlpin, McClanahan, Oliver, Phillips, Reese, Ward, Watrous and Yancey of the Senate; and messrs. Anderson, Barker, Barron, Bridges, Bugbee, Clarke, Clemens, Davis of B. Dear, Drane, Dunn, Fletcher, Franks, Griffin, Hale, Howard, Humphreys, Jackson of A. Jackson of B. J. D. Johnson, R. T. Johnston, McAlpin, McLemore, Moore of mad. Morrisett, Mudd, Nall, Oliver, Rose, Sandidge, Segar, Snowden, Spruill, Troup, Webb, Williams of H. and Witherspoon of the House—51.

Neither having received a majority of the votes given, the two houses proceeded to ballot a second time. The name of *Mr. Fenner* being withdrawn.

Those who voted for *Mr. Carroll*, are messrs. President, Bishop, Creagh, Fleming, Foster, Hudson, Kelly, Marchbanks, McVay, Toulmin, Walker of B. Walker of L. Walthall, Watkins, Wilson and Winston of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen, Baldwin, Banks, Bryan, Caffey, Clancey, Cobb, Cook, Davis of L. Douglass, Hancock, Harris, Hill of B. Hill of T. Holstein, Hubbard, Huntington, Jones of F. Lang, Lankford, Martin, McCartey, McGriff, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Mitchell, Morris, Norman, Owens, Portis, Reid, Scruggs, Steele, Stringer, Sykes, Tate, Turner, Walker, Whitsitt, Williams of J. and Winston of the house—63.

Those who voted for *Mr. Rather*, are messrs Arrington, Brindley, Dent, Dougherty, Hardaway, King, McAlpin, McClanahan, Oliver, Phillips, Reese, Ward, Wilson and Yancey of the senate; and messrs

Anderson, Barker, Barron, Bridges, Bugbee, Calloway, Campbell, Clarke, Clemens, Davis of B. Dear, Drane, Dunn, Evans, Fletcher, Franks, Frazier, Garrett, Griffin, Hale, Hendrix, Howard, Humphreys, Jackson of A. Jackson of B., J. D. Johnson, R. T. Johnston, McAlpin, McLemore, Moore of mad. Morrisett, Mudd, Nall, Oliver, Rose, Sandidge, Segar, Snowden, Spruill, Troup, Webb, Williams of H. and Witherspoon of the House—57.

Mr. Carroll having received a majority of all the votes given, was declared by Mr. Speaker, duly elected President of the Branch Bank at Decatur, for the time prescribed by law.

The two houses then proceeded to the election of two Directors for the same Bank:

The names of *James M. Comman, Clark T. Barton, Nathan Murphy, John M. Swope, John Hogan, John M. McGaughey, and Paul J. Watkins*, having been recommended by His Excellency.

Those who voted for *Mr. Comman*, are messrs President, Arrington, Bishop, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Kelly, King, Marchbanks, McVay, Oliver, Ward, Watkins, Wilson, Winston and Yancey of the Senate; and messrs. Aldridge, Alexander, Allen, Barker, Bryan, Caffey, Calloway, Clarke, Clemens, Davis of L. Douglass, Dunn, Evans, Franks, Garrett, Griffin, Hale, Hancock, Harris, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Huntington, Jackson of A. Jackson of B., Jones of F. Lang, Martin, McAlpin, McCarty, McGriff, McLeod, McMillion of B. Meriwether, Mitchell, Moore of mad. Morris, Mudd, Norman, Oliver, Portis, Reid, Rose, Sandidge, Scruggs, Snowden, Stringer, Sykes, Tate, Turner, Winston and Witherspoon of the House—74.

Those who voted for *Mr. Barton*, are messrs. President, Creagh, Hudson, McClanahan, Walker of B. Watkins and Winston of the senate; and messrs Aldridge, Alexander, Banks, Barker, Bridges, Bugbee, Caffey, Clancey, Clarke, Davis of B. Dear, Douglass, Fletcher, Frazier, Griffin, Hancock, Harris, Holstein, Huntington, Jackson of A. Jones of F., Lankford, Martin, McAlpin, McCarty, McGriff, McLemore, McMillion of J. Meriwether, Miree, Mitchell, Morris, Norman, Owens, Sandidge, Snowden, Troup, Whitsitt and Winston of the house—46.

Those who voted for *Mr. Hogan*, are messrs Allen, Cobb, Cook, Howard, R. T. Johnston, Reid, Segar and Steele of the House—8.

Those who voted for *Mr. Murphy*, are messrs. Arrington, Bishop, Brindley, Hudson, King, Marchbanks, McAlpin, McClanahan, Phillips, Reese, Toulmin, Walker of B. Walthall, Ward and Wilson of the senate; and messrs. Speaker, Bridges, Campbell, Cobb, Humphreys, Lankford, Miree, Moore of mad. Sykes, Troup, Webb and Williams of H. of the house—27.

Those who voted for *Mr. Swope*, are messrs. Dougherty, Hardaway, Phillips and Walker of L. of the senate; and messrs. Anderson, Bald-

win, Barron, Campbell, Clancey, Dunn, Hale, J. D. Johnson, McLe-
more, Morrisett, Mudd, Nall, Spruill, Storrs, Walker, and Williams of
H. of the house—20

Those who voted for *Mr. McGaughey*, are messrs Burney, Dent,
Fleming, Foster, Hardaway, Kelly, McAlpin, McVay, Reese, Toulmin,
Walker of L. Walthall, Watkins, Watrous and Yancey of the senate;
and messrs. Speaker, Anderson, Baldwin, Banks, Barron, Bryan, Bug-
bee, Calloway, Clemens, Cook, Davis of B. Davis of L. Dear, Drane,
Dunn, Evans, Fletcher, Franks, Frazier, Garrett, Hendrix, Hill of B.
Hill of T. Howard, Hubbard, Jackson of B, J. D. Johnson, R. T. John-
ston, Lang, McLeod, McMillion of B. McMillion of J. Morrisett, Nall,
Oliver, Owens, Portis, Rose, Scruggs, Segar, Spruill, Steele, Stringer,
Storrs, Tate, Turner, Walker, Webb, Whitsitt, Williams of H. Wil-
liams of J. and Witherspoon of the house—67.

Those who voted for *Mr. Watkins*, are messrs Oliver of the senate;
and messrs Humphreys of the house—2.

Messrs. Comman and *McGaughey* having received a majority of all
the votes given, was declared by Mr. Speaker duly elected Directors of
the Branch Bank at Decatur, for the term prescribed by law.

The two houses then proceeded to elect a President of the Branch
Bank at Huntsville.

The names of — *Bradley* and — *Ewing*, being in nomination.

Those who voted for *Mr. Bradley*, are messrs. President, Bishop,
Brindley, Burney, Dent, Dougherty, Fleming, Foster, Hardaway,
Kelly, McAlpin, Oliver, Reese Toulmin, Walker of B. Walthall, Wat-
kins, Winston and Yancey of the senate; and messrs. Speaker, Aldridge,
Alexander, Allen, Baldwin, Barker, Bridges, Bryan, Caffey, Clancey,
Clarke, Clemens, Cobb, Davis of B. Davis of L. Douglass, Drane,
Garrett, Hill of B. Hubbard, Huntington, Jackson of A. Jones of F.
Lang, Martin, McAlpin, McCarty, McGriff, McLemore, McMillion
of J. Miree, Mitchell, Morris, Norman, Owens, Portis, Reid, Scruggs,
Spruill, Steele, Stringer, Storrs, Turner, Walker, Williams of H. and
Williams of J. of the house—65.

Those who voted for *Mr. Ewing*, are messrs Arrington, Creagh,
Hudson, King, Marchbanks, McClanahan, McVay, Phillips, Walker of
L. Ward, Watrous and Wilson, of the senate; and messrs. Banks, Bug-
bee, Calloway, Campbell, Cook, Dear, Dunn, Evans, Fletcher, Franks,
Frazier, Hancock, Harris, Hendrix, Hill of T. Holstein, Howard,
Humphreys, Jackson of B., J. D. Johnson, R. T. Johnston, Lankford,
McLeod, McMillion of B. Meriwether, Moore of mad. Morrisett,
Mudd, Oliver, Rose, Sandidge, Segar, Snowden, Tate, Troup, Webb,
Whitsitt, Winston and Witherspoon of the house—57.

Mr. Bradley having received a majority of all the votes given, was
declared by Mr. Speaker duly elected President of the Branch Bank at
Huntsville, for the term prescribed by law.

The two Houses then proceeded to the election of two Directors for the same Bank:

The names of *Thomas Brandon, William Echols, Fleming Jordan, William J. Mastin, George W. Neal, Joseph Rice, and George Steele*, having been recommended by His Excellency.

Those who voted for *Mr. Brandon*, are messrs. President, Arrington, Bishop, Brindley, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McVay, Moores, Oliver, Toulmin, Walker of B. Walthall, Ward, Watkins, Watrous, Wilson, Winston and Yancey of the senate; and messrs. Speaker, Aldridge, Allen, Baldwin, Banks, Barker, Bridges, Bryan, Calloway, Clancey, Clarke, Clemens, Cobb, Dear, Douglass, Drane, Evans, Fletcher, Franks, Garrett, Griffin, Hale, Hancock, Harris, Hendrix, Hill of B. Holstein, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F., J. D. Johnson, Lang, Lankford, Martin, McCartney, McGriff, McMillion of B. McMillion of J. Meriwether, Mitchell, Morris, Morrisett, Oliver, Owens, Portis, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Stringer, Storrs, Sykes, Tate, Turner, Walker, Webb, Whitsitt, Williams of H. and Williams of J. of the house—88.

Mr. Echols received no votes.

Those who voted for *Mr. Jordan*, are messrs. Frazier of the house—1.

Messrs. McClanahan and Winston of the senate, voted for *Mr. Mastin*.

Those who voted for *Mr. Neal*, are messrs. President, Arrington, Brindley, Burney, Creagh, Dent, Dougherty, Foster, Hardaway, Hudson, McAlpin, Phillips, Reese, Toulmin, Walker of B. Ward, Watkins, and Watrous of the senate; and messrs. Speaker, Alexander, Allen, Baldwin, Banks, Barker, Barron, Bridges, Bryan, Bugbee, Caffey, Calloway, Campbell, Clancey, Clarke, Clemens, Cobb, Davis of B. Davis of L. Dear, Douglass, Dunn, Evans, Frazier, Garrett, Hale, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jackson of B. Jones of F., R. T. Johnston, Lang, Lankford, Martin, McAlpin, McCartney, McGriff, McLemore, McLeod, McMillion of J. Miree, Mitchell, Moore of M. Morrisett, Mudd, Norman, Portis, Reid, Scruggs, Segar, Snowden, Steele, Storrs, Tate, Troup, Turner, Walker, Webb, Williams of H. Williams of J. and Witherspoon of the house—86.

Those who voted for *Mr. Rice*, are messrs. Bishop, Creagh, McClanahan, Moores and Walker of L. of the senate; and messrs. Aldridge, Alexander, Caffey, Franks, Griffin, Hancock, Hill of T., J. D. Johnson, McMillion of B. Meriwether, Miree, Norman, Oliver, Sandidge and Sykes of the house—20.

Those who voted for *Mr. Steele*, are messrs. Burney, Fleming, Kelly, King, Marchbanks, McAlpin, McVay, Oliver, Phillips, Reese, Walker of L. Walthall and Wilson of the senate; and messrs. Barron, Bugbee,

Campbell, Davis of B. Davis of L. Drane, Dunn, Fletcher, Harris, Hendrix, Howard, Jackson of B., R. T. Johnston, McAlpin, McLemore, McLeod, Moore of M. Morris, Mudd, Rose, Steele, Stringer, Troup, Whitsitt and Witherspoon of the house.

Messrs. Brandon and Neal, having received a majority of all the votes given, was declared by Mr. Speaker duly elected Directors of the Branch Bank at Huntsville, for the term prescribed by law.

The two Houses next proceeded to elect a President of the Branch Bank at Montgomery.

The name of *John Martin* being alone in nomination and he having received one hundred and twelve votes, the whole number given, was declared by Mr. Speaker duly elected President of the Branch Bank at Montgomery, for the term prescribed by law.

The two Houses then proceeded to elect two Directors for the same Bank:

The names of *Nimrod E. Benson, Elisha Y. Fair, Hugh W. Henry, John P. Figh, Absalom Jackson, Jeremiah W. Loftin, Jr. and Barton W. Stone*, being recommended by His Excellency:

The name of *Elisha Y. Fair* was withdrawn.

Those who voted for *Mr. Benson*, are messrs. President, Arrington, Bishop, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, King, Marchbanks, McAlpin, McClanahan, McVay, Moores, Oliver, Phillips, Reese, Toulmin, Walker of B. Walker of L. Walthall, Watrous, Wilson, and Winston of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Baldwin, Banks, Barron, Bridges, Bryan, Bugbee, Caffey, Clancey, Clarke, Cobb, Davis of B. Davis of L. Dear, Douglass, Dunn, Evans, Fletcher, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jackson of B., Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, McAlpin, McCartney, McGriff, McLemore, McLeod, McMillion of J. Meriwether, Miree, Mitchell, Morris, Morrisett, Mudd, Oliver, Owens, Portis, Reid, Rose, Sandidge, Scruggs, Spruill, Steele, Stringer, Storrs, Sykes, Tate, Troup, Turner, Walker, Whitsitt, Williams of H. Williams of J. Winston and Witherspoon of the house—106.

Those who voted for *Mr. Figh*, are messrs. Dent, McAlpin, Phillips, Reese, and Walker of L. of the senate; and messrs. Bugbee, Dunn, R. T. Johnston, McAlpin, Mitchell and Webb of the house—11.

Those who voted for *Mr. Henry*, are messrs. McClanahan of the senate; and messrs. Caffey, Huntington, and Rose of the house—4.

Those who voted for *Mr. Jackson*, are messrs. President, Arrington, Bishop, Brindley, Burney, Creagh, Dougherty, Fleming, Foster, Hudson, Kelly, King, Marchbanks, Moores, Toulmin, Walker of B. Watrous, Wilson and Yancey of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Anderson, Banks, Barker, Bridges, Bryan, Clancey,

Clarke, Cobb, Cook, Davis of B. Davis of L. Dear, Douglass, Drane, Evans, Fletcher, Frazier, Garrett, Griffin, Hale, Hancock, Harris, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Jackson of A. Jackson of B., Jones of F., J. D. Johnson, Lang, Lankford, McCartney, McGriff, McLemore, McLeod, McMillion of J. Meriwether, Miree, Moore of B. Morris, Mudd, Nall, Owens, Portis, Reid, Sandidge, Scruggs, Spruill, Steele, Stringer, Storrs, Sykes, Tate, Troup, Turner, Walker, Webb, Whitsitt, Williams of H. Williams of J. and Witherspoon of the house—88.

Those who voted for *Mr. Loftin*, are messrs. Hardaway, Kelly, McVay and Yancey of the senate—4.

Those who voted for *Mr. Stone*, are messrs Oliver, Walthall and Winston of the senate; and messrs. Baldwin, Banks, Barron, Cook, Drane, Morrisett, Nall, Oliver, Segar, Snowden, and Winston of the house—14.

Messrs. *Benson* and *Jackson* having received a majority of all the votes given, Mr. Speaker declared them duly elected Directors of the Branch Bank at Montgomery, for the term prescribed by law.

The two Houses then proceeded to elect a President for the Branch Bank at Mobile:

The names of *Edmund Harrison* and *Theophilus L. Toulmin*, being in nomination.

Those who voted for *Mr. Harrison*, are messrs. Arrington, Burney, Dent, Dougherty, Hardaway, Walker of L. Walthall, Watkins and Yancey of the senate; and messrs. Speaker, Banks, Barron, Bryan, Caffey, Campbell, Clancey, Davis of B. Dear, Drane, Evans, Franks, Garrett, Harris, Hendrix, Holstein, Jackson of A., J. D. Johnson, R. T. Johnson, McAlpin, McCartney, McGriff, McLemore, McLeod, Meriwether, Mitchell, Moore of mad. Morrisett, Mudd, Nall, Oliver, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Williams of H. and Williams of J. of the house—48.

Those who voted for *Mr. Toulmin*, are messrs. President, Brindley, Creagh, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Moores, Oliver, Phillips, Walker of B. Wilson, and Winston of the senate; and messrs. Aldridge, Alexander, Allen, Anderson, Baldwin, Barker, Bridges, Clarke, Clemens, Cobb, Davis of L. Douglass, Dunn, Fletcher, Frazier, Griffin, Hale, Hancock, Hill of B. Hill of T. Hubbard, Humphreys, Huntington, Jackson of B. Jones of F., Lang, Lankford, Martin, McMillion of B. McMillion of J. Miree, Owens, Portis, Reid, Rose, Sandidge, Sykes, Tate, Troup, Turner, Walker, Whitsitt and Winston of the house—59.

Mr. Toulmin having received a majority of all the votes given, Mr. Speaker, declared him duly elected President of the Branch Bank at Mobile for the term prescribed by law.

The two houses then proceeded to the election of two Directors for the same Bank:

The names of *James S. Deas*, *William P. Gould*, *Cornelius Robinson*, *David Stodder*, *Seaborn Travis*, *Joseph Wiswell* and *Joseph W. Lessense*, were recommended by His Excellency.

The name of *Joseph W. Lessense* was withdrawn.

Those who voted for *Mr. Deas*, are messrs. Arrington, Bishop, Brindley, Creagh, Dougherty, Hudson, Kelly, McClanahan, McVay, Moores, Phillips, Reese, Toulmin, Watkins and Yancey of the Senate; and messrs Speaker, Alexander, Barron, Bridges, Bryan, Caffey, Clarke, Cobb, Douglass, Fletcher, Franks, Garrett, Harris, Hendrix, Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jones of F., J. D. Johnson, Lang, Lankford, McGriff, McLeod, McMillion of J. Miree, Mitchell, Morris, Morrisett, Oliver, Owens, Portis, Sandidge, Snowden, Stringer, Storrs, Sykes, Tate, Turner, Walker, Webb, Williams of H. and Witherspoon of the house—62.

Those who voted for *Mr. Gould*, are messrs President, Arrington, Bishop, Brindley, Burney, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, McAlpin, McClanahan, McVay, Moores, Oliver, Phillips, Reese, Toulmin, Walker of B. Walker of L. Walthall, Watkins, Watrous, Wilson and Winston of the senate; and messrs. Speaker, Aldridge, Allen, Anderson, Baldwin, Banks, Barker, Barron, Bugbee, Campbell, Clancey, Clarke, Clemens, Davis of B. Davis of L. Dear, Douglass, Drane, Dunn, Evans, Fletcher, Franks, Frazier, Griffin, Hale, Hancock, Hill of B. Howard, Hubbard, Humphreys, Huntington, Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, Lankford, Martin, McAlpin, McCartey, McGriff, McLemore, McLeod, Mitchell, Moore of mad. Morrisett, Mudd, Nall, Oliver, Owens, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Spruill, Stringer, Storrs, Sykes, Tate, Turner, Walker, Webb, Whitsett, Williams of H. Williams of J. Winston and Witherspoon of the house—90.

Those who voted for *Mr. Robinson*, are messrs President, Burney, Fleming, Foster, Hardaway, Kelly, Marchbanks, Oliver, Walker of B. Walthall, Wilson and Yancey of the Senate; and messrs. Aldridge, Alexander, Allen, Barker, Bryan, Bugbee, Caffey, Campbell, Clancey, Cobb, Davis of L. Drane, Evans, Frazier, Garrett, Griffin, Hancock, Harris, Hendrix, Hill of B. Hill of T. Holstein, Jackson of A. Martin, McCartey, McLemore, Meriwether, Miree, Moore of H. Morris, Nall, Portis, Reid, Rose, Segar, Steele, Williams of J. and Winston of the house—50.

Those who voted for *Mr. Stodder*, are messrs. King, McAlpin, Walker of L. Watrous, and Winston of the senate; and messrs. Anderson, Baldwin, Banks, Clemens, Davis of B. Dear, Dunn, Hale, Jackson of B., R. T. Johnston, McAlpin, McMillion of J. Meriwether, Mudd, Scruggs, Spruill, Steele, Troup, and Whitsitt of the house—24.

Those who voted for *Mr. Travis*, are messrs. Dent of the senate; and messrs. Bridges of the house—2.

Messrs. Deas and *Gould* having received a majority of all the votes given, Mr. Speaker declared them duly elected Directors of the Branch Bank at Mobile, for the term prescribed by law.

The two houses then proceeded to elect a President for the State Bank of Alabama:

The name of *Joel Riggs* alone being in nomination, and he having received one hundred and sixteen votes, being the whole number of votes given, Mr. Speaker declared him duly elected President of the Bank of the State of Alabama, for the term prescribed by law.

The two houses then proceeded to elect four Directors for the State Bank:

The names of *Lincoln Clark*, *John R. Drish*, *John Duffee*, *James Guild*, *James Hogan*, *Reuben Searcy*, and *Joel White*, having been recommended by His Excellency.

The name of *John R. Drish* was withdrawn.

Those who voted for *Mr. Clarke*, are messrs. President, Bishop, Kelly, Marchbanks, McClanahan, Toulmin, Walker of B. Watrous and Yancey of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Baldwin, Banks, Bridges, Caffey, Clancey, Clarke, Clemens, Cobb, Davis of L. Douglass, Fletcher, Frazier, Griffin, Hale, Harris, Hendrix, Hill of B. Hill of T. Holstein, Humphreys, Huntington, Jackson of A. Jones of F., R. T. Johnston, Lang, Lankford, Martin, McAlpin, McLeod, McMillion of J. Meriwether, Miree, Moore of mad. Morris, Mudd, Owens, Portis, Reid, Sandidge, Scruggs, Steele, Stringer, Storrs, Sykes, Tate, Troup, Turner, Walker, Whitsitt, Williams of J. and Winston of the house—64.

Those who voted for *Mr. Duffee*, are messrs. President, Brindley, Creagh, Dougherty, Hardaway, Kelly, King, Marchbanks, McClanahan, Moores, Oliver, Phillips, Reese, Walthall, Watkins, Wilson and Yancey, of the senate; and messrs. Speaker, Aldridge, Alexander, Allen, Banks, Barker, Bridges, Bryan, Bughee, Caffey, Campbell, Clancey, Clarke, Clemens, Cobb, Davis of B. Davis of L. Dear, Douglass, Drane, Fletcher, Frazier, Garrett, Griffin, Hancock, Harris, Hendrix, Hill of B. Hill of T. Holstein, Howard, Hubbard, Huntington, Jackson of A. Jones of F., Lang, Lankford, Martin, McLemore, McMillion of J. Meriwether, Miree, Morris, Morrisett, Nall, Owens, Reid, Rose, Sandidge, Scruggs, Segar, Snowden, Steele, Stringer, Sykes, Tate, Turner, Walker, Williams of H. and Winston of the house—77.

Those whose voted for *Mr. Guild*, are Messrs. Arrington, Bishop, Brindley, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, McAlpin, McVay, Moores, Oliver, Phillips, Reese, Toulmin, Walker of B. Walker of L. Walthall, Watkins, Watrous, Wilson and Yancey, of the senate; and messrs. Aldridge, Alexander, Baldwin, Banks, Barker, Barron, Bryan, Bughee, Caffey, Campbell, Clemens, Davis of B. Dear, Drane, Dunn, Fletcher, Frazier, Garrett,

Hancock, Harris, Hill of B. Hill of T. Holstein, Howard, Hubbard, Humphreys, Huntington, Jackson of A. Jackson of B. J. D. Johnson, Lang, Lankford, McAlpin, McLemore, McLeod, McMillion of J. Meriwether, Miree, Mitchell, Moore of M. Morris, Morrisett, Mudd, Nall, Oliver, Rose, Sandidge, Segar, Snowden, Spruill, Storrs, Sykes, Troup, Webb, Williams of H. Winston and Witherspoon of the house—85.

Those who voted for *Mr. Hogan*, are messrs. Arrington, Bishop, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, Kelly, King, Marchbanks, McAlpin, McClanahan, McVay, Moores, Oliver, Phillips, Reese, Walker of B. Walker of L. Walthall, Watkins, Watrous and Wilson of the senate; and messrs. Speaker, Baldwin, Banks, Barker, Barron, Bryan, Bugbee, Campbell, Clarke, Cobb, Davis of B. Dear, Douglass, Drane, Dunn, Garrett, Griffin, Hale, Harcock, Hendrix, Hill of B. Howard, Hubbard, Humphreys, Jackson of A. Jackson of B. Jones of F., J. D. Johnson, R. T. Johnston, Lang, McAlpin, McLemore, McLeod, Mitchell, Moore of M. Morrisett, Mudd, Nall, Oliver, Owens, Portis, Rose, Scruggs, Segar, Snowden, Spruill, Steele, Stringer, Storrs, Tate, Troup, Walker, Webb, Whitsitt, Williams of H. Williams of J. and Witherspoon of the house—82.

Those who voted for *Mr. Searcey*, are messrs. President, Arrington, Bishop, Brindley, Dent, Fleming, Foster, Hudson, Marchbanks, McAlpin, McClanahan, McVay, Toulmin and Walker of L. of the senate, and messrs. Aldridge, Alexander, Allen, Barron, Bridges, Bryan, Caffey, Clancey, Clemens, Cobb, Davis of L. Douglass, Fletcher, Frazier, Hale, Hancock, Harris, Hill of T. Holstein, Huntington, Jones of F., J. D. Johnson, R. T. Johnston, Lankford, Martin, McMillion of J. Meriwether, Miree, Mitchell, Morris, Portis, Reid, Sandidge, Spruill, Steele, Stringer, Sykes, Troup, Turner, Webb, Whitsitt, Williams of J. Winston and Witherspoon of the house—58.

Those who voted for *Mr. White*, are messrs. President, Arrington, Brindley, Creagh, Dent, Dougherty, Fleming, Foster, Hardaway, Hudson, King, McAlpin, McVay, Moores, Oliver, Phillips, Reese, Toulmin, Walker of B. Walker of L. Walthall, Watkins, Watrous, Wilson and Yancey of the senate; and messrs. Speaker, Allen, Baldwin, Barker, Barron, Bridges, Bugbee, Campbell, Clancey, Clarke, Davis of B. Davis of L. Dear, Drane, Dunn, Garrett, Griffin, Hale, Hendrix, Howard, Hubbard, Humphreys, Jackson of B. J. D. Johnson, R. T. Johnston, Martin, McAlpin, McLemore, McLeod, Mitchell, Moore of M. Morrisett, Mudd, Nall, Oliver, Owens, Portis, Reid, Rose, Scruggs, Segar, Snowden, Spruill, Storrs, Tate, Turner, Walker, Webb, Whitsitt, Williams of H. Williams of J. and Witherspoon of the house—77.

Messrs. Duffee, Guild, Hogan and White, having received a majority of all the votes given, Mr. Speaker declared them duly elected Directors of the Bank of the State of Alabama, for the term prescribed by law.

The two houses then proceeded to elect a Judge for the County Court of De Kalb County.

The name of *Pollard O. Naylor* being alone in nomination, and he having received eighty-six votes, being the whole number given, was declared by Mr. Speaker, duly elected Judge of the County Court of De Kalb county, for the term prescribed by the constitution.

And the House adjourned.

JANUARY 17, 1844.

The House met pursuant to adjournment.

Mr. McMillion of B. from the committee on enrolled bills, reported as correctly enrolled—

An act for the relief of Joseph Guynes and others.

Mr. Frazier moved to suspend the consideration of the special order; which was carried.

Mr. Frazier, from the committee on the military, to whom was referred the report of the Adjutant and Inspector General, reported the same back to the House, and asked to be discharged from its further consideration.

Ordered, that the committee be discharged.

Mr. Frazier, from the same committee, to whom was referred the report of the Quarter Master General, reported the same to the House as requiring no legislation.

The report was concurred in.

Mr. Hubbard, from the committee on Federal relations, reported joint resolutions in regard to the protective policy.

Mr. Jackson of B. moved to lay the resolutions on the table; which was lost.

Mr. Baldwin, moved to amend as follows, to wit:

Be it further resolved, That we disapprove of the refusal of the present Congress to repeal or modify the existing tariff laws.

Mr. Hubbard moved to lay the amendment on the table; which was carried—yeas 44, nays 16.

YEAS—Messrs. Speaker, Aldridge, Alexander, Allen, Barker, Bridges, Bryan, Caffey, Calloway, Campbell, Clancey, Clemens, Davis of L. Douglass, Fletcher, Franks, Griffin, Hancock, Hendrix, Hill of B. Hill of T. Holstein, Hubbard, Lankford, Lang, Martin, McLeod, McMillion of B. McMillion of J. Meriwether, Miree, Moore of M. Morris, Morrisett, Portis, Reid, Rose, Sandidge, Steele, Sykes, Tate, Troup, Whitt and Williams of J.

NAYS—Messrs. Anderson, Baldwin, Banks, Bugbee, Davis of B. Drane, Dunn, Hale, Howard, Jackson of B. R. T. Johnston, McAlpin,

Mitchell, Nall, Snowden, Webb, Williams of H. and Witherspoon.

Mr. Clemens moved the previous question, which was sustained, and the main question, shall these resolutions be adopted, was decided in the affirmative—yeas 46, nays 19.

YEAS—Messrs. Speaker, Aldridge, Allen, Barker, Bridges, Bryan, Caffey, Calloway, Clancey, Clarke, Clemens, Cobb, Davis of L. Douglass, Evans, Fletcher, Franks, Garrett, Griffin, Hincecock, Harris, Hill of B. Hill of T. Holstein, Hubbard, Humphreys, Huntington, Lang, Lankford, Martin, McCartey, McMillion of B. McMillion of J. Meriwether, Miree, Moore of M. Morris, Portis, Reid, Rose, Sandidge, Steele, Sykes, Tate, Troup, Whitsitt, Williams of J. and Winston.

NAYS—Messrs. Anderson, Banks, Bugbee, Campbell, Davis of B. Drane, Dunn, Hale, Howard, Jackson of B. R. T. Johnson, McAlpin, McLeMore, Mitchell, Morrisett, Oliver, Scruggs, Snowden and Webb.

The following amendment offered by Mr. Howard, was cut off by the previous question, to wit:

Resolved, That no tariff but a horizontal tariff is constitutional, that a horizontal tariff means an *ad valorem* duty upon the necessities of life, and luxuries indiscriminately.

The following message was received from the Senate, by Mr. Clitherrall:

Mr. Speaker—The Senate has passed bills from the House, as follows:

An act to authorize Robert McKee, administrator of William B. McKee, late of Greene county, to dispose of the goods, wares and merchandise of his intestate at private sale, or otherwise:

An act to authorize an election to be held in the town of Vienna, in Pickens county:

An act to incorporate the trustees of the female academy, in the town of Eufaula, Barbour county, amended as therein shewn:

An act to authorize the tax collector of Covington county to receive jury certificates only, in payment of taxes:

Joint resolutions, on the subject of changing the constitution of the United States:

An act for the relief of Isaiah J. Kirksey:

An act for the relief of the justices of the peace in the city of Tuscaloosa, and for other purposes:

Joint resolutions in regard to a portion of the sixteenth section, township twelve, range thirteen, in Pike county:

An act to rescind the contract of sale of the north half of section sixteen, range twenty-eight, in Russell county:

An act to repeal in part an act regulating the drawing of jurors in the county of Fayette:

An act to amend the provisions of an act entitled an act to prevent the sacrifice of real estate:

An act to amend the statute of limitations.

The Senate refused to pass the following bills, to wit:

An act to compensate John Chauncey, an officer of Dale county, and for other purposes:

An act to compensate Doctors White and Paulin:

An act to authorize Major A. Price to keep up a certain turnpike road:

An act to incorporate the trustees of the Bishop's fund, &c.

An act to fix the time of regimental reviews in the sixth brigade:

An act to authorize the clerks of certain counties to issue license in vacation:

An act to change the time of holding regimental musters in the counties of Fayette and Marion:

An act to authorize the loan of a portion of the two per cent fund to the Montgomery and West Point rail road company:

The amendment of the Senate to the bill to incorporate the town of Eufaula, Barbour county, was concurred in.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles, to wit:

An act to incorporate the town of Huntsville:

An act to provide for the better maintenance of the poor in Dallas county:

An act to authorize Nelson H. White and Richard Burruss to turnpike a certain road therein named, and for other purposes:

An act to fix permanently, the Court House of Covington county:

An act to compensate the commissioners of roads and revenue of Pike county:

An act to incorporate the town of Tompkinsville, in the county of Sumter:

Joint resolutions for the relief of Isaac Swan, tax collector of Sumter county:

An act to fix the pay of jurors and witnesses in the county of Randolph:

An act to incorporate the town of Pickensville, in the county of Pickens:

An act to divorce certain persons therein named:

An act to change the time of holding the county court of Pike county:

An act for the relief of Jacob Merrill, of the county of Covington:

An act to amend the charter of the town of Marion, in Perry county:

An act to confer certain powers and privileges therein named:

An act to change the name of the county seat of Randolph county, from that of McDonald to Wedowe, and to incorporate the same:

- An act concerning the administration of the estate of William S. Chapman, deceased:
- An act to provide for selecting grand jurors, in the county of Marion:
- An act for the support of paupers, in the county of Pike:
- An act to divorce Emily Susan Snipes from her husband, Jeremiah Snipes:
- An act in relation to the rescission of a certain contract of purchase of a part of the sixteenth section, in township twelve, range five, in Wilcox county:
- An act to incorporate Lafayette, in Chambers county:
- An act to authorize the Judge of the county court and commissioners of roads and revenue, of Randolph county, to levy a special tax:
- An act authorizing the formation of a Captain's company, in De Kalb county:
- An act to divorce Elizabeth Holloway from her husband, Washington Holloway:
- An act to extend the powers of the town commissioners, in De Kalb county:
- An act to define and establish the county line, between the counties of De Kalb and Cherokee:
- An act to establish a Medical Board in Eufaula, in the county of Barbour:
- An act in relation to the sixteenth section fund, in the county of Bibb:
- An act for the relief of Richard Locke:
- Which bills originated in the House of Representative.
- Mr. Barker, from the committee on enrolled bills, reported as correctly enrolled,
- An act to authorize Robert McKee, administrator of William B. McKee, late of Greene county, to sell the goods, wares and merchandise of his intestate at private sale, or otherwise.
- Mr. McMillion of B. from the same committee, reported as correctly enrolled:
- An act to change the time of holding certain courts therein named:
- An act to authorize an election to be held in the town of Vienna, in Pickens county:
- Mr. Storrs, from the same committee, reported as correctly enrolled, the following bills:
- An act to enable the executrix of Michael J. Kenan, to secure the payment of certain money to the Branch Bank at Mobile.
- An act to authorize Elias Persinger and his associates to construct a wharf on the Black Warrior river, in the town of Northport:
- An act to test the sense of the people of Barbour county, on the propriety of removing the seat of justice in said county, and for other purposes:

An act making appropriations for the year one thousand eight hundred and forty-four:

An act to authorize the election of a justice of the peace for the town of Warrenton:

An act to change the time of holding the county court of Dallas county, and for other purposes:

An act concerning the payment of fines and forfeitures in the county of Cherokee:

An act for the relief of Henry W. Read, of Lawrence county:

An act to establish a chancery court for the county of Randolph, and for other purposes:

An act establishing and abolishing certain election precincts therein named:

An act to require an extra term of the court to be holden in the third district, and southern division, and for other purposes:

An act for the relief of Isaac Swan, tax collector of Sumter county:

An act to provide more permanently for the payment of jurors of Lowndes county:

An act to authorize the levy of a special tax in the county of Fayette for the support of paupers;

Also, joint resolutions for the relief of Hudson W. Nelson, tax collector of Shelby county:

Joint resolutions in relation to the preservation of the faith and credit of the State:

An act in relation to the rescission of a certain contract of purchase of a part of the sixteenth section, in township eleven, range six:

An act for the relief of John M. Bloodsworth, late tax collector of Benton county:

An act to change in part the line between the thirty-fifth and eighty-third regiments, Alabama militia, and for other purposes.

Message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed a bill from the House of Representatives making appropriations for the payment of certain claims against the State, and has amended the same as therein shown:

In which the concurrence of the House is requested.

The amendments were concurred in.

The amendment of the Senate to the bill to alter the mode of selecting grand jurors for the counties of Dallas, Perry, Tallapoosa, Tuscaloosa and Barbour, were concurred in.

Mr. Clemens, from the committee on the judiciary, to whom was referred sundry bills, petitions, &c, reported them to the House, and asked to be discharged from their further consideration.

The committee was discharged.

The bill from the Senate, to change the time of holding the Montgomery circuit court, was concurred in.

Mr. Bridges, from the committee on ways and means, to whom was referred sundry bills, petitions, &c., reported the same to the House, and asked to be discharged from their further consideration.

Mr. Moore of m. from the committee on the State Bank and Branches, to whom was referred the resolution directing said committee to inquire into the expediency of altering the charter of the Mobile Bank, by repealing a part of its charter, reported that it was inexpedient to act upon the subject at the present session.

The report was laid on the table.

Mr. Hubbard introduced a joint memorial to Congress in regard to the public lands within this State, praying that a certain portion might be donated to the State for the purpose of forming common schools.

A motion was made to lay the memorial on the table, and lost. Yeas 12, nays 39.

YEAS—Messrs. Allen, Bridges, Clemens, Davis of L. Douglass, Drane, Jackson of B., Jones of F., Lang, McAlpin, Norman and Witherspoon.

NAYS—Messrs. Aldridge, Banks, Bryan, Calloway, Cobb, Cook, Dunn, Fletcher, Franks, Garrett. Griffin, Harris, Hill of B. Hill of T. Holstein, Howard, Hubbard, Jackson of A., Lankford, McMillion of J. Meriwether, Mitchell, Moore of m. Morris, Mudd, Rose, Sandidge, Scruggs, Segar, Snowden, Steele, Storrs, Tate, Troup, Webb, Whitsitt, Williams of H. Williams of J. and Winston.

The memorial was adopted.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled bills of the following titles:

An act to authorize the tax collector of Covington county to receive jury certificates in payment of taxes:

An act to authorize the Bank to sell a certain tract of land therein mentioned:

An act for the better security of vessels and property upon the waters of this State:

An act to change the times of holding the circuit courts of the second judicial circuit:

An act to authorize brigade encampments in the sixth brigade Alabama militia:

An act to repeal in part an act regulating the drawing of jurors as to the county of Fayette:

An act to incorporate the trustees of the Female Academy, in the town of Eufaula, in Barbour county:

An act for the relief of justices of the peace in the city of Tuscaloosa, and for other purposes:

An act to change the time of holding the circuit and county courts of the county of Limestone, and for other purposes:

Joint resolutions of instruction on the subject of changing the constitution of the United States.

An act for the relief of Isaiah J. Kirksey.

Mr. Howard offered the following resolution:

Be it Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That none but a horizontal tariff is constitutional, and that a horizontal tariff means an ad valorem duty upon the necessities of life and luxuries indiscriminately.

Mr. Bridges moved to lay the resolution on the table.

The amendments of the Senate to the bill making appropriations for the payment of certain claims against the State, were concurred in.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency, the Governor, has approved bills of the following titles, to wit:

An act to authorize Robert McKee, administrator of Wm B. McKee, late of Greene county, to dispose of the goods, wares and merchandise of his intestate, at private sale or otherwise:

An act more particularly to define the county line between Henry and Barbour counties:

An act concerning the payment of fines and forfeitures in the county of Cherokee;

An act to change the time of holding the county court of Dallas county, and for other purposes:

An act to authorize the election of a justice of the peace for the town of Warrenton:

An act making appropriations for the year one thousand eight hundred and forty-four:

An act to test the sense of the people of Barbour county, on the propriety of removing the seat of justice in said county, and for other purposes:

An act to authorize Elias Persinger and his associates to construct a wharf on the Black Warrior river, in the town of Northport:

An act to authorize an election to be held in the town of Vienna, in Pickens county:

An act for the relief of Isaiah J. Kirksey:

An act to change the time of holding certain courts therein named;

An act to incorporate the Enon Male and Female Academies in Macon county;

An act to enable the executrix of Michael Kenan to secure the payment of certain money to the Branch Bank at Mobile;

An act to authorize the levy of a special tax in the county of Fayette, for the support of paupers;

Joint resolutions for the relief of Hudson W. Nelson, tax collector of Shelby county;

Joint resolutions in relation to the preservation of the faith and credit of the State;

An act to provide more permanently for the payment of jurors of Lowndes county;

An act for the relief John M. Bloodsworth, late tax collector of Barbour county;

An act to change in part the line between the thirty-fifth and eighty-third regiments, Alabama militia, and for other purposes;

An act in relation to the rescission of a contract of purchase of a part of the sixteenth section, in township eleven, range six;

An act to establish a chancery court for the county of Randolph, and for other purposes;

An act for the relief of Henry W. Read, of Lawrence county;

An act to change the time of holding the circuit and county courts of the county of Limestone, and for other purposes;

An act to authorize the commissioners' court of roads and revenue in the counties of Barbour and Benton, to levy additional taxes, and for other purposes;

An act to authorize the Judge of the county court of Covington county to receive certain notes, and for other purposes;

An act to authorize the tax collector of Covington county to receive juv. certificates only in payment of taxes;

Which bills originated in the House of Representatives.

Mr. Hubbard submitted the following protest:

The undersigned, voting for the passage of the bill to raise a revenue for the support of the Government and preservation of the public faith, supposed at the time, that by the valuation system introduced as an amendment, had removed the constitutional objections in his mind arising from classification. He, in his anxiety to get a revenue bill passed, voted for it: upon having the question again discussed, he became convinced of his error, and would now vote against the bill, believing it yet unconstitutional, and ask to have his views spread on the Journal.

(Signed.)

D. HUBBARD.

A message from the Senate, by Mr. Clitheroall:

Mr. Speaker—The Senate has adopted the following resolution:

Resolved, That a committee of three Senators be appointed to act jointly with such committee as may be appointed on the part of the House of Representatives, to wait on His Excellency, the Governor, and inform him that the two Houses of the General Assembly are now ready to adjourn sine die, if he has no further communications to make to them, and have appointed Messrs. McVay, Fleming and Dent, said committee on the part of the Senate.

Mr. Barker, from the committee on enrolled bills, reported as correctly enrolled:

An act to change the time of holding the Montgomery circuit court:

An act to rescind the contract of sale for the north half of section sixteen, township sixteen, range twenty-eight, in Russell county:

An act making appropriations for the payment of certain claims:

An act to amend an act entitled an act to prevent the sacrifice of real estate:

An act to regulate the working of roads in Barbour county:

An act to alter the mode of selecting grand jurors for the counties of Dallas, Tallapoosa, Tuscaloosa and Barbour:

An act to form a beat in Franklin county:

An act in relation to the appointment of assessors, and for other purposes:

Joint resolutions in regard to a portion of sixteenth section, township twelve, range twenty-three, in Pike county:

Message from the Governor, by Mr. Harrison, his private Secretary:

Mr. Speaker—His Excellency, the Governor, has approved bills of the following titles, to wit:

Joint resolutions in regard to the State of Georgia,

An act to change the time of holding the county court of Coffee county:

An act to repeal in part an act regulating the drawing of jurors, as to the county of Fayette:

An act to authorize the rescission of a certain contract therein named, and for other purposes:

An act to incorporate the Trustees of the Female Academy, in the town of Eufaula, in Barbour county:

An act for the relief of Mary M. Wilder:

Joint resolutions of instruction, on the subject of changing the Constitution of the United States:

An act to change the time of holding the circuit and county courts, of the county of Limestone, and for other purposes:

An act for the relief of justices of the peace in the city of Tuscaloosa, and for other purposes:

An act to amend the statute of limitations.

Which bills originated in the House of Representatives.

Mr. Barker, from the committee on enrolled bills, reported as correctly enrolled:

An act to incorporate the Alabama Military and Scientific Institute, in the town of Eutaw, in Barbour county:

An act to abolish and establish certain election precincts therein, named.

A message from the Governor, by Mr. Harrison:

Mr. Speaker—His Excellency, the Governor, has approved bills of the following titles, to wit:

An act to form a new tract in Franklin county:

An act to alter the mode of selecting grand jurors for the counties of Dallas, Tallapoosa, Tuscaloosa and Barbour:

An act in relation to the appointment of assessors, and for other purposes:

An act to regulate the working of roads of Barbour county:

An act to amend the provisions of an act, approved the first January, one thousand eight hundred and forty-two, entitled an act to prevent the sacrifice of real estate:

Joint resolutions in regard to a portion of the sixteenth section, township twelve, range twenty-three, in the county of Pike:

An act to rescind the contract of sale for the north half of section sixteen, township sixteen, range twenty-eight, in Russell county:

An act making appropriations for the payment of certain claims:

Which bills originated in the House of Representatives.

Mr. Banks offered the following resolution, which was adopted:

Resolved, That a committee of three be appointed by the House, to act with the committee appointed on the part of the Senate to wait on His Excellency, the Governor, and inform him that the two Houses are now ready to adjourn sine die, if he has no other communication to make to them; which was adopted, and Messrs. Douglass, Dunn and Hale, were appointed said committee on the part of the House.

Mr. Douglass made the following report:

The committee appointed on the part of the House, to wait on the Governor and inform him that the two Houses are ready to adjourn *sine die*, if he has no further communication to make to them, have performed that duty and were informed by the Governor that he had no further communication to make to the two Houses.

Mr. McAlpin offered the following resolutions:

Resolved, That this House has heard with deep sensibility, the decease, on the tenth day of October last, of the Hon. ISAAC H. ERWIN, late a member elect of this House, from the county of Mobile.

Resolved, That this House tenders to the surviving widow and relations of the deceased the expressions of its sympathy on this afflicting bereavement, and as a testimony of respect for the memory of the deceased, the members and officers of this House will wear crape on the left arm for thirty days; which were unanimously adopted.

Mr. Mudd offered the following resolution:

Resolved, That the thanks of this House are due to the Hon. A. B. MOORE, for the able, dignified and impartial manner, in which he has presided over its deliberations; which was unanimously adopted.

Whereupon, the Speaker responded in a few appropriate and eloquent remarks—bade the members of the House an affectionate farewell, and pronounced the House of Representatives adjourned *sine die*.

(Signed,)

A. B. MOORE,

Speaker of the House of Representatives

Attest,

JOSEPH PHELAN.

Clerk.

January 17, 1844.